

***Draft 8/12/2010 – SUBJECT TO CHANGE  
FOR REVIEW AND ADOPTION BY DSC AT 8/26-27 MEETING***

**DELTA STEWARDSHIP COUNCIL  
July 22-23, 2010  
MEETING SUMMARY**

***DAY 1: Thursday, July 22, 2010, (3:00 p.m. – 7:30 p.m.)***

**1. Welcome and Introductions**

The meeting was called to order at 3:00 p.m., July 22, 2010, by Chair Phillip Isenberg.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present for the meeting: Phillip Isenberg, Randy Fiorini, Hank Nordhoff, Don Nottoli, and Patrick Johnston (arrived at 3:52 p.m.) Absent: Gloria Gray.

**3. Chair's Report**

Chair Isenberg reported that the State Water Resources Control Board had just released its draft Flow Criteria Report. The Board was mandated to produce this report by last year's water legislation and given 9 months to complete it. The Board will take action on the report on August 3<sup>rd</sup>, and then it will come to the Council for its review and consideration and to the Bay Delta Conservation Plan Steering Committee for its review and consideration. Chair Isenberg said the report was comprehensive and interesting and provided valuable historical information on the Boards' past and current activities on flow standards dating back to 1961.

Chair Isenberg announced the resignation of member Richard Roos-Collins. He doesn't expect an appointment until budget discussions have been completed.

Chair Isenberg also made reference to the Board's tour of the Delta earlier in the day, and thanked those members of the public who participated.

**4. Interim Executive Officer's Report**

Keith Coolidge, Acting Chief Deputy Executive Officer presented the Interim Executive Officer's Report on behalf of Joe Grindstaff who was in Australia on an informational trip and meeting with officials of the drought stricken areas of Australia. Council Member Gloria Gray was also in Australia on the same trip.

**a. Legislative and Legal Update**

Keith Coolidge provided a brief update on the summary of bills staff is tracking and a brief summary on AB 2092 and SB 1450. Chair Isenberg asked for questions from the council or public. There were none and the Board moved to the next item of Legal update.

Chris Stevens noted that state law requires two DSC meetings take place in the Delta per year and he thanked the Sugar Mill for hosting the meeting location. Stevens introduced Rebecca Coleman, a legal intern from McGeorge School of Law who currently works for the Department of Water Resources, but will be working part-time for the Council in late August as part of an externship program.

**b. Follow-up on Informational Requests from Council**

Keith Coolidge noted that written responses to DSC member's requests are in the members' agenda packet. Attachment 1, was a staff report on the statutory mission and organization of the Council, including the three main program areas from CALFED that have been transferred to the Council: Program Performance and Tracking, Strategic Planning, and Delta Science Program.

**c. Quarterly List of Contracts/Grants**

The Agenda packet included an update on the current fiscal year budget and a quarterly update of contracts. Details on the budget and contracts are found in Attachments 1 and 2.

**5. Consent Calendar** - *Items for consent calendar are expected to be routine and non-controversial. The Council was asked to approve items without discussion. If any Council member, staff, or interested person requests that an item be removed from the consent calendar, it will be taken up in the regular agenda order. All items on the consent calendar were approved.*

**a. June 24-25, 2010 Meeting Summary**

Chair Isenberg announced the inclusion of a revised (7/19/10) meeting summary and redline correction version that was included in the members' supplemental material. Chair Isenberg asked for council or public comments or questions on the revised meeting summary. As there were none, it was moved (Nottoli) and seconded (Nordhoff) to approve the amended meeting summary. A vote was taken (4/0) and the motion was unanimously passed to approve the June 24-25 Meeting Summary as revised on July 19, 2010.

**b. Final Adoption of Conflict of Interest Code**

Chris Stevens reported on this agenda item, stating that at the April 22-23, 2010, Council meeting, members reviewed a proposed conflict of interest code prepared by staff and following review and discussion, directed staff to initiate the formal rulemaking process, that included the filing of a notice of proposed rulemaking with to Office of Administrative Law (OAL), providing the proposed code to affected employees for their review, and the establishment of a 45-day written comment period for public comment. No comments were received on the proposed code by the close of the comment period, July 12, 2010. Stevens requested the Council adopt the draft Code and forward it to the Fair Political Practices Commission (FPPC), which will formally approve it, and transmit it to OAL, then on to the Secretary of State before it becomes effective, in approximately 60 days.

Chair Isenberg asked for questions or comments from the Council or members of the public. As there were none, it was moved (Nottoli) and seconded (Fiorini) to approve the conflict of interest code and to forward to FPPC for approval. A vote was taken (4/0) and the motion was unanimously passed.

### **c. Contract Approvals**

Keith Coolidge discussed the request from the Delta Science Program, seeking approval to accept federal and state funds to provide consultative scientific advice and peer review. As part of this, the Council was also requested to amend an existing contract with the Association of Bay Area Governments (ABAG), which has processed similar scientific contracts for the Science Program over recent years.

Staff requested that the Council direct the Interim Executive Officer to enter into agreements with the United States Geological Survey (USGS), United States Bureau of Reclamation (USBR) and National Marine Fisheries Service (NMFS) to receive funds for consultative scientific expert advice and review services and amend the existing agreement with ABAG to provide such services, extending the term of the ABAG agreement and increasing the amount by \$674,258 to a new total of \$974,258.

Deputy Executive Officer for Science Lauren Hastings was called on to further discuss the request with the Council and clarified that the Delta Science Program would not have expend funds until reimbursement had been verified. Chair Isenberg asked if there were any other questions or comments from the Council or public and, as there were none, it was moved (Nottoli) and seconded (Fiorini) to approve accepting funds and amend the contract with ABAG. A vote was taken (4/0) and the motion was unanimously passed.

### **6. Interim Lead Scientist's Report**

Dr. Cliff Dahm updated the Council on the Delta Independent Science Board and the 2010 Focused Proposal Solicitation Package. He also notified the Council of the upcoming changes to his schedule. Beginning the week of August 23, Dahm will return to the University of New Mexico, where he will teach a graduate level class on freshwater ecosystems on Fridays, mentor his graduate students, and engage in research. He will perform his Interim Lead Scientist duties Mondays through Wednesdays in Sacramento. He will also be present during scheduled Council meetings.

### **7. Draft Guidelines and Charge for the Delta Independent Science Board**

Dr. Dahm presented item 7, the draft Charge to the Delta Independent Science Board and guidelines. The draft Charge will be brought back to the Council for approval at a future meeting (September). Draft operating guidelines, which will be considered for adoption by the Delta ISB at their first meeting, were included for context. The Council reviewed the Charge and Guidelines, section by section with Dr. Dahm, asking questions, requesting clarification of language, and making comments for the next draft, such as including an explanation of "best available science" and a statement of clarity that the Delta ISB is "independent". Chair Isenberg requested that the statute be cited in the charge.

### **8. Report from Local Elected Officials**

Supervisor Nottoli introduced a panel of Delta Protection Commission (DPC) and Conservancy members, including DPC Member and Yolo County Supervisor, Mike McGowan, DPC Vice Chair and Solano County Supervisor, Mike Reagan, DPC member

and San Joaquin County Supervisor, Larry Ruhstaller, and Delta Conservancy member and Yolo County Supervisor, Jim Provenza.

Supervisor McGowan welcomed the Council to the Delta, followed by Delta Protection Commission Vice Chair Supervisor Reagan, who gave an overview and review of the Commission's activities, including levee repair and dredging issues. Supervisor Ruhstaller provided an update and overview of the Primary Zone Study and Supervisor McGowan gave an update and overview of the Economic Sustainability Plan. Supervisor Provenza presented a PowerPoint presentation of the activities completed to date by the Conservancy. The panel summarized other activities in progress at the DPC directly and by the Sacramento San-Joaquin Delta Conservancy (Conservancy).

The Council asked questions, and provide comments and input on the items presented by the panel.

## **9. Public Comment**

Public Comment was provided by:

Nichole Suard, Snug Harbor

Judy Carpenter Serpa, Dantone Vineyards

Melinda Terry, California Central Valley Flood Control Association

Steve Heringer, HHLF

Robert Kirtlan, Delta Resident

Peter Stone, Delta Resident

Mark Pruner, North Delta CARES

Bob Berger, Delta Resident

Richard Bag, Clarksburg Community Church, Clarksburg Fire District

Bob Webber, Reclamation District 999 Manager

Jane Klotz, Delta Resident

Karen Medders, Delta Resident

**The meeting concluded for the day at 5:45 p.m.**

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***DAY 2: Friday, July 23, 2010 (9:00 a.m. – 3:30 p.m.)***

## **10. Call to Order**

The meeting resumed at 9:05 a.m., with Chair Isenberg presiding.

## **11. Roll Call – Establish Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present for the meeting: Phillip Isenberg, Randy Fiorini, Hank Nordhoff, Don Nottoli, Patrick Johnston (arrived at 10:00 a.m.) Absent: Gloria Gray.

## **12. Second Draft Interim Plan (Water Code §85084 and Water Code §85300) (Discussion/Action Items)**

Keith Coolidge gave an overview of agenda item 12, review and discussion of the second draft interim plan.

**a. Levees Panel**

The panel members included: Gilbert Cosio, Principal, Vice President, MBK Engineers; Les Harder, Senior Water Resources Technical Advisor, HDR Engineering; Steven Winkler, Deputy Director, Operations, San Joaquin County Flood Control and Water Conservation District; Mike Harty, Kearns and West. The panel members were asked to address two brief questions; what they believe to be the greatest near-term flood risk and the provision of emergency preparedness services and what near-term solutions they recommend.

Public Comment on Agenda Item 12a was provided by:  
Melinda Terry, California Central Valley Flood Control Association  
Mark Rentz, ACWA

**b. Focused Discussion by Section**

After the panel presentation, the Council reviewed each section of the second draft interim plan, asking the Interim Plan team for clarification and provided direction for preparation of the third draft interim plan. Terry Macaulay introduced the Interim Plan team - Gwen Buchholz, John Kirlin, Bill Betchart, and Bob Twiss.

Gwen Buchholz explained the difference between the first and second draft interim plan and the public comment tracking process that is being developed. John Kirlin summarized the new sections, answering questions and taking comments from the Council members.

**Public Comments**

Public comment on agenda item 12 was provided by:  
Greg Zlotnick, State and Federal Contractors Water Agency  
Ryan Bezerra, Bartkiewicz, Kronick & Shanahan  
Jonas Minton, Planning and Conservation League  
Michael Boccadoro, Coalition for a Sustainable Delta  
Mark Rentz, ACWA  
Jim Provenza, Yolo County Supervisor and member of Delta Counties Coalition  
Ann Spaulding, City of Antioch  
Maureen Martin, Contra Costa Water District  
Gary Merwin, D&G Merwin Farming and RD 999 Trustee  
Brett Baker, Delta Resident  
Don Fenocchio, Delta Charter School

**13. Administrative Procedures Governing Appeals (Review/Discuss Second Draft – Information Only)**

Chris Stevens presented this item. The document has been recast from the previous draft into three sections: 1. Administrative procedures governing appeals, 2. Statutory provisions requiring other consistency reviews, and 3. Other forms of review or evaluation by the Council, both before and after the adoption of the Delta Plan.

Stevens encouraged the Council to adopt these procedures at the earliest practicable time to give state and local agencies time to incorporate them into their own planning

processes, and prior to adoption of the Delta Plan. Stevens intends to bring the Council a third draft for adoption at the August meeting. Stevens indicated he would meet with the five Delta counties to discuss issues of concern, prior to the August meeting.

After discussion among the members, public comment was provided by:  
Peggy Bohl, Concerned Citizens of Clarksburg  
Greg Zlotnick, State and Federal Contractors Water Agency  
Pete Kutras, Delta Counties Coalition  
Mark Rentz, ACWA

#### **14. Public Comment**

Chair Isenberg asked if there were any other members of the public wishing to address the Council – there were none.

#### **15. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.**

The next meeting is scheduled on August 26-27, in West Sacramento.

**The meeting adjourned at 3:28 p.m.**