

**DELTA STEWARDSHIP COUNCIL
May 27-28, 2010
MEETING SUMMARY**

DAY 1: Thursday, May 27, 2010, (10:00 a.m. – 4:00 p.m.)

1. Welcome and Introductions

The meeting was called to order at 10:00 a.m., May 27, 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: Don Nottoli, Phillip Isenberg, Gloria Gray, Randy Fiorini, Richard Roos-Collins, Hank Nordhoff, and Patrick Johnston.

3. Chair's Report

The meeting began with an overview of the two-day meeting given by Chair Isenberg.

4. Interim Executive Officer's Report

Joe Grindstaff began the Interim Executive Officer's Report by requesting the Council schedule the November and December meeting. Grindstaff explained members were polled by staff and most are available on November 18 -19, and December 16-17, 2010. The Council approved the recommended meeting dates, recognizing not all members are available. Chair Isenberg reminded members that teleconferencing may be an option used for members who have conflicts. He asked that staff contact the members who are not available to meet "in-person" on those dates and determine if teleconferencing is feasible. The Chair and Council Stevens noted that a motion and vote was not needed as long as the meeting is properly noticed. **November 18-19 and December 16-17, 2010, added to the schedule approved at the April 22-23, 2010 meeting.**

4a Legislative and Legal Update

Chris Stevens presented the Legal Update. Stevens brought the Council's attention to the follow-up information on water rights that were included in Agenda Item 4a. Stevens introduced David Sandino, Chief Council for the Department of Water Resources, who presented a PowerPoint presentation on Delta litigation.

Grindstaff updated the Council on the AB 2092 (Huffman) bill and noted "Other Bills of Interest" that Curt Miller will track for the Council.

4b. Follow-up on Information Requests from the Council

Grindstaff referenced the responses to the requests from the Council that were included in the members' binders. Chair Isenberg requests a web reference (easily accessible link) be set up where the follow-up questions and responses can be posted.

5. Consent Calendar

(Items for consent calendar are expected to be routine and non-controversial. The Council will be asked to approve items 5a through 5c at one time 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. There are modifications to the format of the meeting summaries as requested by the Council. (Agenda Items 5a and 5b).

5a. April 1, 2010, Meeting Summary

It was moved (Nottoli) and seconded (Fiorini) to approve the April 1, 2010 Meeting Summary with a **modification to include a summary or topic of the comments by each public commenter listed**. A vote was taken (7/0) the motion was unanimously passed as modified.

5b. April 22-23, 2010, Meeting Summary

It was moved (Nottoli) and seconded (Fiorini) to approve the April 1, 2010 Meeting Summary with a **modification to include a summary or topic of the comment by each public commenter listed**. A vote was taken (7/0) the motion was unanimously passed as modified.

5c. Legislative Policy Review (Water Code §85210)

The policy recommended by staff for reviewing and tracking future legislation for the Council was approved.

6. Request from the Delta Protection Commission (Action Item) (Water Code §86210)

Joe Grindstaff presented a request to the Council from the Delta Protection Commission, dated May 7, 2010, to transfer funding for preparation of Primary Zone Study required by SBX71. The request is for \$104,250.00. The staff is recommending the Council enter into an interagency agreement with the DPC in the amount of \$86,750.00.

The letter/request for funding is from Member Nottoli, as the Chair of the DPC. Nottoli stated for the record he has no personal financial interest or any conflict with this request.

It was moved (Gray) and Seconded (Roos-Collins) **to approve the transfer of funding to the DPC**. A vote was taken (7/0) the motion was unanimously passed.

A second request from the Delta Protection Commission, dated May 24, 2010, requesting a transfer of \$500,000.00 to the DPC for preparation of an Economic Sustainability Plan for the Delta was also received by the Council. This request is also from Member Nottoli, as the Chair of the DPC. The item was discussed but the Council will defer consideration of this item to the June 24-25, 2010 meeting in order to review the request.

Public Comment was heard from the following:

- Burt Wilson, Carmichael, CA

7a. Interim Lead Scientist's Report

Cliff Dahm introduced Lauren Hastings, the Deputy Executive Officer for Science, who presented the Interim Lead Scientist's Report. Hastings updated the Council on recent and upcoming Delta Science Program activities.

7b. Staff Recommendations on Appointments to the Delta Independent Science Board (per Council direction of April 1, 2010) (Action Item) (Water Code §85080)

Cliff Dahm summarized the process used for recruitment and to determine the ten individuals selected for the Delta Independent Science Board. Dahm went over all the candidates and their areas of expertise. Staff is working on the charge and operating guidelines that will be presented at the June meeting.

The Council will reconsider this item at its next meeting, allowing 10 days to review the listing of candidates.

Public Comment on agenda item 7b was heard from:

- Paul Sosnowski Bradford Island

8. Approval of Department of Water Resources Proposition 1E Expenditures for Selected Projects (Action Item) (Water Code §83002 (a)(1))

Dave Mraz, Department of Water Resources presented this **action item** which included a PowerPoint Presentation on Proposition 1E Expenditures and Recommended Aqueduct Projects. The Council also discussed prioritizing Delta levee projects, Delta levee standards that are required to apply for federal disaster assistance, costs of protecting state assets, and other funding issues.

A list of "Special Projects Levee Repair and Improvement PSP, Staff Recommended Aqueduct Protection Projects" was received by the Council but not received in time for the members to review it and they were reluctant to act without having time for them or the public to review and understand the request. DWR Director Mark Cowin said he would accommodate the Council's need for additional information and adequate time for decision-making and the Council deferred consideration of this item to the June 24-25, 2010 meeting.

Public Comment on agenda item 8 was heard from the following:

- Eileen White, Manager of Water Systems, EBMUD
- Karen Medders, Delta Property Owner
- Sprec Rosekrans, EBMUD Customer, and EDF

9. Remarks from Annemieke Nijhoff, Director-General, Directorate-General of Water Affairs at the Ministry of Transport, Public Works and Water Management, Netherlands

The Director-General presented an informational PowerPoint presentation on Flood Safety and Adaptation in the Netherlands.

10. Interim Plan and Delta Plan (Discussion/Action Item) (Water Code §85084 and Water Code §85300)

Terry Macaulay presented this item. Macaulay walked the Council through a PowerPoint presentation on the Delta Plan and Interim Plan. The presentation highlighted the Council's direction from the April 22-23, 2010 meeting, including statutory requirements, requested actions, and the proposed schedule for the Delta Plan/Interim Plan. Gwen Buchholz, the Delta Plan Project Director, covered Draft Outlines and Recommended Content for the Delta Plan/Interim Plan part of the presentation.

Staff is requesting the Council approve or modify staff recommendations for processes related to the development of the Interim Plan and Delta Plan: (a) Overall work schedule and four key milestones for the Interim Plan and the Delta Plan. (b) Draft Delta Plan outline. (c) Draft Interim Plan outline. (d) Elements of a transparent and public engagement plan.

(a) Overall work schedule and four key milestones for the Interim Plan and the Delta Plan

The Council discussed the proposed milestones and target dates in the proposed schedule and **approved the action** (schedule) but recommended the title be modified as follows: **Delta Plan/Interim Plan Proposed Schedule**. It was moved (Nordhoff) and seconded (Roos-Collins) to approve the schedule as modified. A vote was taken (7/0) the motion was unanimously passed.

(b) Draft Delta Plan outline and (c) Draft Interim Plan outline

The Council discussed recommendations regarding the structure and content of the Delta Plan (Slide #10) and the 8 policy objectives. The Chair stated that it is necessary to use the precise statutory language in the outline/plan. The staff noted the Chair's direction regarding the use of precise statutory language and it was moved (Nordhoff) and seconded (Roos-Collins) to **approve the action**. A vote was taken (7/0) the motion was unanimously passed.

The Council also granted staff **"general editing authority"** when developing the Delta Plan Interim Plan. It was determined that no vote was needed for this action.

(d) Elements of a transparent and public engagement plan

The staff proposed a public engagement plan that includes posting online all materials and comments submitted to the Council; maintaining an online library for clearinghouse of reference materials related to the work of the Council; and to develop plans to allow for maximum public input by creating three workgroups. The Topic-specific workgroups would be charged with **(1) Prioritization criteria for early of actions and priority to the structure** (2) Outreach (3) DPC Plan Review. After discussion about the membership, charge and deliverable, size of groups, meeting being public, the Council moved to approve this action item with the requested change noted in number one above. It was moved (Roos-Collins) and

seconded (Nordhoff) to approve the action. A vote was taken (7/0) the motion was unanimously passed.

The Council discussed the process for selecting an independent subcontractor for BDCP-related work (slide 21) and how the process would be structured. The Council requests a committee of two members, along with staff, review the applications and then write the qualifications, define the work; process for advertising. The Committee will make the recommendation and choose the qualified candidate. No vote was taken as this was a procedural item (the action had been approved at the April 22-23, meeting.)

Staff requested the Council direct them to invite entities of covered actions to engage in early consultations and establish processes for Council engagement and review of actions. The Council directed staff to develop a consultation process to review the covered actions, and present the process to the Council. No vote taken.

Public Comment on agenda item 10 was heard from the following:

- Ryan Bezerra, Bartkiewicz, Kronick & Shanahan
- Tom Zuckerman, Central Delta Water Agency
- David Pegos, Department of Food and Agriculture and member of the Delta Protection Commission
- Tim Quinn, Association of California Water Agencies
- Spreck Rosekrans, Environmental Defense Fund
- Mark Rentz, Association of California Water Agencies

11. Public Comment

- Steve Evans, Friends of the River, regarding Environmental Water Caucus Report
- David Mauier, Planning and Conservation League, regarding Delta Conveyance Size, Cost and Export Expansion
- Jason Larrabee, Tehama-Colusa Canal Authority, offering assistant to the Council
- Spreck Rosekrans, Environmental Defense Fund, consideration of evaluating a smaller conveyance facility for cost effectiveness.

DAY 2: Friday, May 28, 2010 (9:00 a.m. – 4:00 p.m.)

12. Call to Order

The meeting resumed at 9:00 a.m. with Chair Isenberg presiding. Chair Isenberg noted that the Council left off yesterday agreeing to continue the discussion on agenda item 8 however, Director Cowin requested the item be pulled from the agenda and addressed at the June meeting.

13. 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, Richard Roos-Collins,

Gloria Gray, Hank Nordhoff. Don Nottoli arrived at 9:15 a.m. and Patrick Johnston arrived at 11:00.

14. Progress Report Regarding Bay Delta Conservation Plan and Discussion of the Council's Roles and Responsibilities (Water Code §85320)

Keith Coolidge presented the BDCP agenda item that included panel discussions and presentations from state and federal agency representatives, steering committee members, and stakeholders. Participating in the discussion were:

Overview Panel

Karen Scarborough, Undersecretary, Natural Resources Agency; Mark Cowin, Director, DWR; Karla Nemeth, BDCP liaison, Natural Resources Agency; Chuck Gardner, consultant to DWR; Jerry Johns, DWR; Ron Milligan, Bureau of Reclamation

Steering Committee Panel

Jason Peltier, Westlands Water District; Gary Bobker, The Bay Institute; Greg Gartrell, Contra Costa Water District; Chris Scheuring, California Farm Bureau Federation

Lead Agencies Panel

Federico Barajas, Bureau of Reclamation; Jerry Johns, DWR; Dan Castleberry, US Fish & Wildlife Service; Carl Wilcox, DFG; Howard Brown, National Marine Fisheries Service

Delta Stakeholders Panel

Gilbert Cosio, MBK Engineers / Reclamation Districts; Mark Pruner, North Delta CARES; Dick Pool, Water 4 Fish

Public Comment on agenda item 14 was heard from the following:

- Barry Nelson, Natural Resources Defense Council
- Mark Rentz, Association of California Water Agencies

15. Public Comment was heard from:

- Nicole Suard, Snug Harbor, regarding letter and attachment submitted to Council detailing Incorrect information in DRMS report, Delta maps in particular

16. 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 June 24-25, 2010. Chair Isenberg adjourned the meeting.