

DELTA STEWARDSHIP COUNCIL
July 12, 2012
Ramada Inn and Suites
1250 Halyard Drive, West Sacramento, California
--REVISED--
MEETING SUMMARY

Thursday, July 12, 2012, 10:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 10:01 a.m., July 12, 2012, 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: Hank Nordhoff, Patrick Johnston, Gloria Gray, Randy Fiorini, Phillip Isenberg, and Don Nottoli.

3. Delta Plan (Action Item)

Chair Isenberg explained that this meeting will focus on the business remaining from the June 28-29, 2012 session, relative to the Final Staff Draft Delta Plan. He explained the staff had revised the two lists from the previous meeting the “Items carried over from Council Action Checklist” and the “Items pulled from Consent List”.

In addition, DSC staff presented a recommended “wrap-up” motion to be acted upon by the Council at the end of today’s meeting. This motion will incorporate all previous Council action on this matter, plus action to be taken today. The proposed motion is posted on the Council website at:
<http://deltacouncil.ca.gov/sites/default/files/documents/files/DSC%20Staff%20Proposed%20Motion.pdf>.

On today’s Council Action Check list there are four items with three sub items remaining for discussion and action. In addition, the 14 items removed from the Council Consent Checklist before it was approved at the last meeting will be discussed and acted on.

The discussion of Agenda Item 3a began with the Items Carried Over from Council Action Check List (item 3a, Attachment 1)
http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20item%203a_%20Attach%201_Council_Action_Check_List.pdf

Executive Officer Joe Grindstaff noted that the Council received a letter July 10, 2012 from Assembly member Buchanan supporting the definition of Bethel Island as a Legacy Community. The letter is posted on the council website at:
http://deltacouncil.ca.gov/sites/default/files/documents/files/Buchanan_071012.pdf

Chapter 3, Item #4 – WR P1: Reduce Reliance on the Delta, Clarify reduced reliance

Mr. Grindstaff continued the discussion with Chapter 3, Item 4 WR P1. Mr. Grindstaff walked through each of the previously proposed policies received from the Ag/Urban Coalition, John Mills, and an “unattributed” proposal reflecting previous MWDSC suggestions. In addition, the language submitted by DSC staff to the Council at its June 28-29 meeting was also included. The various proposals are posted on the Council website at the following link:

<http://deltacouncil.ca.gov/sites/default/files/documents/files/WR%20P1.pdf>

Senior Policy Analyst Martha Davis then discussed the new language presented by DSC staff recommended for approval and adoption by the Council. The new staff proposed language for WR P1 is posted on the Council website at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Final%20WRP1%20language%207_12_12.pdf Ms. Davis covered the following key points:

- No new changes to the types of proposed actions covered by WR P1
- The explanatory text accompanying WR P1 was reorganized. A preamble to WR P1 was inserted which clearly articulates the state’s policy of reduced reliance and improved regional self reliance and the intent of the Council through WR P1 to ensure that urban and agricultural water supplies are taking appropriate actions to contribute to the achievement of reduced reliance on the Delta. The preamble draws upon the June 29th draft reviewed by the Council, but includes minor additions in the second paragraph to clarify the Council’s intent.
- Minor revisions were made to clarify the actions that urban and agricultural water suppliers need to take to comply with WR P1. These revisions include citations to the applicable code sections for compliance with SB 7X7, Urban Water Management Plans and Agricultural Water Management Plans; Clarification that implementation under action #2 should be consistent with the schedule set in the suppliers’ adopted management plan; and the additional of 2015 as the date by which action #3 would become effective.

Ms. Davis explained there are three components to the policy and all three components must be complied with in order to be consistent with this policy. Ms. Davis presented an example of how the new proposed policy might apply to a wholesale water supplier. A link to the WR P1 example is located on the Council website at:

<http://deltacouncil.ca.gov/sites/default/files/documents/files/WR%20P1%20Example.pdf>

After the explanation by Ms. Davis, Chair Isenberg asked for discussion by the Council. Council member Fiorini made a motion to approve WR P1 as presented.

Original Motion: (Offered by Fiorini; seconded by Johnston) Approve WR P1 proposed language as presented with insertion of the following in the first sentence of the last paragraph:

“Programs and projects ~~to be evaluated~~ that reduce reliance could include...”

http://deltacouncil.ca.gov/sites/default/files/documents/files/Final%20WRP1%20language%207_12_12.pdf

Council member Gray indicated she could not support WR P1 as written and would like to see continued discussion on this item; she suggested a work session to resolve issues. Council member Gray offered a substitute motion prior to the motion above being adopted.

Substitute Motion: (Offered by Gray; seconded by Nottoli) Defer acting on WR P1 for two weeks and schedule an additional work session specifically on WR P1.

Vote on Substitute Motion: A vote was taken (4/2: Nordhoff, Johnston, Fiorini, Isenberg opposed/ Gray, Nottoli in support), and the substitute motion failed.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 19. Segment Number 20 of 36 at 34:39](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2019.%20Segment%20Number%2020%20of%2036%20at%2034:39)

Additional discussion by council members continued and the following key points were indicated:

- Fiorini indicated that text should be added to explain WR P1 issue for further evaluation and coordination.
- Isenberg suggested adding language to address DWR's inability to review urban and agricultural management plans.
- Isenberg also suggested that staff include a text box in the plan that references the DWR letter.
- Nottoli indicated that he wanted to see an example or two in the text of the Delta Plan or in an appendix, and add success stories as examples of compliance.

Public Comment - Chapter 3, Item 4 (WR P1)

NOTE: The following are summaries of the comments made by each commenter.

Full comments may be viewed and listed to via the archived website at:

<http://dsc.videosscc.com/archives/071212/>

Mark Rentz, Association of California Water Agencies, recognized that the WR P1 revised language is an improvement over the previous versions. He indicated that there are additional issues that will be identified by other agencies here today. From ACWA's perspective, the current draft it is moving toward an achievable pathway to advance the statewide policy of reduced reliance on the Delta in meeting future water supply needs and improving regional self reliance. One of ACWA's concerns was what we had to do to be in compliance with WR P1. ACWA believes the current draft does provide specific actions that, if satisfied, constitute compliance with WR P1. He assumed that also means with the Delta Plan as WR P1 applies to the Delta Plan. He acknowledged that regional water agencies are in the best position to do the type of analysis that is laid out here. Water agencies are in the best position to 1. assess potential impacts of their proposed actions 2. determine what projects can be taken to reduce reliance and improve regional self reliance and 3. have the flexibility to provide implementation scheduling. Water Suppliers have authority through their water management plans a

method for measuring reduced reliance on the delta and improved regional self reliance. The Ag-Urban language provided clarity and was intended to help measure success.

Audrey Kelm, San Joaquin Tributaries Authority, generally supported the intent of WR P1 but said the language conflicts with the intent, specifically the last sentence in paragraph 1 where it refers to the significant reduction in the amount of water used or in the percentage of water used. (She cited Section 10608.8 subsection c of the water code and read that section) After reading the section she stated that she believed that the language is directly contradictory and also area of origin may come into play with this. She suggested that adding to the second paragraph something stating that it conflicts may solve that.

Terry Erlewine, State Water Contractors, indicated that 27 out of 29 water contractors have completed urban water management plans and believe they have been in compliance from the beginning. (Implementing recycling projects, plans, etc.) He supported Ag Urban's revision language, specifically the language at the end of the first paragraph. He thought that it makes it clear the definition of what reduced reliance is. He expressed concern that water suppliers with regions are forced to reduce reliance and the other concern is implementation.

Melinda Terry, California Central Valley Flood Control Association and North Delta Water Agency, agreed with the testimony provided by Mark Rentz. She said she was confused when we get into implementation, what constitutes significant and who determines that? She asked for an example of expected outcome for measureable reduction. Ms. Davis provided an example from the work completed by West Basin Urban Water Management Plan.

John Kingsbury, Mountain Counties, complimented staff for their work and taking the time to work on the revision. He indicated that the wording in the first paragraph is the problem not only for his members but for the majority of the people. For example, the language somehow offends the senses of our area of origin. He was concerned about the metrics and suggested that we need more examples and possibly another workshop.

John S. Mills, Office of John S. Mills, agreed with the importance of WR P1. The objective is to improve WR P1 and that the WR P1 pathway to compliance should be clarified. He indicated that we need more flexibility in regions not less. He also firmly believes more clarity in the plan is good but that all of this language does not have to be whole or in part in WR P1. Examples are important. Narrative is very important. He indicated that he stood ready to work with staff. Mr. Mills submitted proposed language that is located on the council website at:

<http://deltacouncil.ca.gov/sites/default/files/documents/files/WR%20P1.pdf> This is part of the package of proposed language changes previously discussed by Mr. Grindstaff.

Janet K. Goldsmith, Placer County Water Agency and City of West Sacramento, thanked staff and Council members for clarifying WR P1. She indicated that increased conservation is considered reduction in reliance on water in the Delta watershed, and

that she didn't see that in this policy or in the example that was given and wanted to see it there. She agreed with Ag Urban language. She didn't think the language in paragraph one is inconsistent and was alarmed that it is the opinion of the staff and believed it deserves more discussion. She suggested that if you are going to measure you need a baseline. She stated that area of origin and growth do not contradict the policies and encouraged the staff to solicit opinions of water lawyers/agencies to include other language that is consistent with goals. She supported both changes that the Ag Urban coalition suggested.

Greg Zlotnick, State and Federal Contractors Water Agency, thanked staff for their efforts to keep this moving. He suggested that in the "2nd to the last line strike "significant" and use "measurable". He supported the language of Ag Urban suggested at the end of the 1st paragraph. In the 2nd paragraph he appreciated the intent of the language. He suggested using the term "covered action" in the policy itself. In paragraph 2 he appreciated scheduling language, but it is not consistent with what is in the plan.

Bob Riopel, Recreational Boater, indicated that the policy does not appear to put any limits on exports as long as exporter is in compliance with the policy. He was glad to hear all the comments that water agencies want to be in compliance. He suggested that assuring we are accomplishing these objectives is going to be difficult.

Barry Nelson, National Resources Defense Council, made the following 3 points in clarifying the long-term goal of the Delta Reform Act: 1. DSC going on work of Delta Vision process. 2. Overall focus - improving overall supplies of Delta reliability. 3. 85086(c) flow criteria need to find a way to reduce the metric and find a way to apply it. He suggested that there had been discussion on how it would apply – answer is at the agency level. He said that we need to measure at the agency level and that we shouldn't punish the 'Good Actors.'

Kurt Arends, Zone 7 Water Agency, wholesale water agency serving eastern Alameda County, said that the challenge for them in the policy was regional reliance. Looking as a region is a bottom line to see how their area is performing. He was concerned how the focus on the individual supplier could impact the agency ability to get water transfers in the future. He commented on the intent of the policy and the language used in the reduced reliance on the Delta and felt that the wording was problematic. He said the intent is supported but the wording needs to be clarified.

Randy Record, Metropolitan Water District and Eastern Municipal Water District, felt the intent of the policy is what Met is already doing. However, he was concerned by the language in the policy and how it may be interpreted.

Brenda Burman, Metropolitan Water District of Southern California, indicated that the language that has come out was more clear and easier to read and echoed the recommended changes by the Ag Urban. She cited 85021 and focused on the use of the word "regional or regions" and felt that was the focus of the policy. She commented on the test and gave an example of how MWD would review water suppliers' water

management plans and their intent to comply with the test. She urged the Council to look at the entity that is applying for the action.

Douglas Headrick, San Bernardino Municipal Water District, supported the Ag Urban language. He gave an example of how the Urban Water Management Plans by retail agencies may cause future problems. He indicated that they conducted a regional urban water management plan for their agency. The regional information was in the front and then each retailer all had their own chapter. Each large water suppliers, approximately half participated and the other half were too small and not required to participate but wondered what would happen if one of their large water suppliers for whatever reason did not comply. Mr. Headrick stated that this would put them in a position of being the police.

Tom Zuckerman, Central Delta Water Agency, stated there had been a lot of comment on reducing percentage of use on the Delta is not realistic and focused allocation of water supplies that don't exist in the Delta and expectations that by reducing percentage of use will allow people to expand their use of Delta water and that notion wasn't realistic. He indicated that when talking about over-allocation in the Delta, you are really talking about drier year situations." He felt the policy needed to take into account that people may be able to utilize the gross exports in the delta by a different allocation in wet and dry years. He said that the solution may be to shift reliance on the Delta to the wetter supply years and reduce it in the dry years.

Tony Berzinas, Bethel Island resident and Bethel Island Municipal District, commented on what the Council referred to as Delta water and reminded the Council that the water in Northern California was intended to flow through the Delta and all the dams and diversions prevented that. Mr. Berzinas spoke on advantages in Title 24 and split water systems, desalination in Southern California of water to use for grey water, etc., and allowing the pure clean water that flows through the Delta for potable water. He felt the expanded development in Southern California was a large burden on the Delta and the watersheds that feed the Delta.

Following public comment, the Chair called for a vote on the original motion, which had been offered by Member Fiorini and Seconded by Member Johnston.

Vote on Original Motion: A vote was taken (5/1: Nordhoff, Johnston, Fiorini, Isenberg, Nottoli/ Gray opposed) and the motion was adopted.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 19. Segment Number 20 of 36 at 36:40

Following Public Comment on WR P1 the Council discussed the proposed staff draft of a "wrap-up" motion that was previously presented at the beginning of the meeting. Chair Isenberg asked the Council if there were any questions. Council member Notolli indicated that he wanted to see the redline version of the next draft that incorporated all the changes directed by the Council and have another meeting to discuss.

Motion: (Offered by Johnston; seconded by Nordhoff) Approve the proposed staff “wrap-up” motion with the minor modification of including a public review of the redline version of the proposed final draft 7 days prior to the next scheduled Council meeting, which would be in early September, and minor language modifications to be made by Mr. Grindstaff. The motion as modified, is as follows:

1. Revise Final Staff Draft Delta Plan per the Council’s direction at this meeting, as well as meetings on May 24, 2012, June 14-15, 2012 and June 28-29, 2012. In preparing the new draft council staff is authorized to use its discretion in making additional conforming changes for purposes of clarity and harmonization so long as they are not inconsistent with Council direction. The new draft will be referred to as the “Final Draft Delta Plan”
2. As soon as practicable thereafter:
 - A. Present the Final Draft Delta Plan, in redline and clean copy form, to the Chair and Vice Chair, for their review and approval regarding consistency with Council direction.
 - B. After receiving the approval of the Chair and Vice Chair, post the Final Draft Delta Plan on the Council website, in redline and clean copy form.
 - C. **Present the Final Plan with a seven day public review period for Council to make final review changes.**
 - D. Prepare and then circulate for a 45-day public review and comment period, an additional draft programmatic EIR volume (covering the Final Draft Delta Plan) pursuant to CEQA.
 - E. Prepare and submit to the Office of Administrative Law, a Notice of Proposed Rulemaking to commence the state rulemaking process pursuant to the Administrative Procedure Act (APA) for the regulatory policies contained in the Final Draft DP, including the 45-day public comment period required by the APA (which should run concurrently with the 45-day public comment period in “D’ above) and a subsequent public hearing on the proposed regulations.
 - F. Schedule a Council meeting for certification of the Final programmatic EIR and adoption of the Delta Plan, and identify the process for completion of the state rulemaking process thereafter.

Vote: A vote was taken (6/0: Nordhoff, Johnston, Gray, Fiorini, Isenberg, Nottoli), and the motion was adopted.

The video showing this vote can be found at [http://dsc.videoss.com/archives/071212/Agenda Item 3 Index 19. Segment Number 20 of 36 at 74:00](http://dsc.videoss.com/archives/071212/Agenda%20Item%203%20Index%2019.%20Segment%20Number%20of%2036%20at%2074:00)

Following the vote, Council member Nordhoff left the meeting at 1:45 p.m.

The discussion continued to Chapter 5 – Item 9 and 10 DP P1 (re: Bethel Island)

Chapter 5, Item #9 – DP P1: Locate New Development Wisely, Confirm Boundaries of Appropriate Development Locations and Legacy Communities

and

Chapter 5, Item #10 – DP P1, DP R3, RR P2, ER P3, Bethel Island Legacy Communities, Current Map of Bethel Island Needs Revision to Indicate Legacy Community Boundary. Modify Policies and Recommendations as Needed

At the June 28-29, 2012 meeting, the Council directed staff to work with Contra Costa County and Bethel Island residents regarding the issues of concern. Since that meeting DSC staff met with Contra Costa County Supervisor Mary Nejedly-Piepho and John Greitzer of the Contra Costa County Department of Conservation and Community Development on July 9, and then met with the Bethel Island Municipal Improvement District Advisory Committee on July 10. DSC staff presents the following, reflecting those meetings and the suggestions made by County representatives and citizens:

- The Delta Plan will note Bethel Island is referenced as a Legacy Community in Public Resources Code 32301(f), which establishes the Sacramento-San Joaquin Delta Conservancy, not the Council itself.
- Bethel Island will not be exempt from policy DP P1, which limits significant new development in rural areas. DP P1 will be revised to refer to a list of communities --- and that list will not include Bethel Island --- to indicate where significant new urban development may be appropriate. Rather than using the term "Legacy Community." Maps of the listed communities, omitting Bethel Island, are still presented in Appendix K. Narrative in Chapter 5 will be revised to indicate that any development on Bethel Island must to be consistent with land use designations in the current Contra Costa County General Plan which restrict development due to flood risk and limited evacuation routes.
- Bethel Island will not be exempt from policy RR P2, which requires 200-year flood protection for new residential development in rural areas. RR P2 will be revised to indicate which areas, including the communities mapped in Appendix K, are exempt from this policy.
- Appendix K will include Delta communities which are exempt from policies DP P 1 and RR P2 and the map of Bethel Island removed.
- ER P3 (Protect Opportunities to Restore Habitat) will be revised to remove the list of areas where the policy does not apply. This is no longer needed now that the Delta Plan includes maps where it does apply.

Motion: (Offered by Johnston; seconded by Fiorini) Approve the staff recommended proposed changes for Item 9 and 10 DP P1 as outlined, consistent with the following member requests: Chair Isenberg directed staff to prepare language. He said, "But make sure that it does not interfere with the points made by Mr. Machado from the Delta Protection Commission that the 1992 boundaries of the Delta and permissible ground area within those boundaries are maintained." Council member Nottoli also requested that staff resolve the Bethel Island issue and that they look at the maps (92 maps) and

the 1992 DPC language and general plans and the more recently adopted general plans.

http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20item%203a_%20Attach%201_Council_Action_Check_List.pdf

Public Comment - Chapter 9 and 10 (DP P1)

Jody Mazarella, Bethel Island resident, provided a historical prospective on Bethel Island. Ms. Mazarella submitted written comments that are posted at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Mazarella_071212.pdf

Mike Machado, Delta Protection Commission, referenced consistency with policies in 1992; new developments that are consistent with these would be acceptable. He believed that delineation is not here with regard to Mountain House and Bethel Island.

Vote: A vote was taken (5/0: Johnston, Gray, Firoini, Isenberg, Nottoli), and the motion was adopted.

The video showing this vote can be found at http://dsc.videoss.com/archives/071212/Agenda_Item_3_Index_25_Segment_Number_26_of_36_at_0:52

Chapter 7, Item #11 – RR P1 Prioritization of State Investments in Delta Levees and Risk Reduction

Staff completed the discussion with Chapter 7, Item 11 RR P1. At the June 28-29, 2012 meeting, the Council directed staff to work with Council member Nottoli and stakeholders to revise Policy RR P1 to clarify the priorities for State funds for Delta levee improvements. Staff met with Council member Nottoli and stakeholder on July 10 and developed language that appeared to address their concerns.

Motion: (Offered by Nottoli; seconded by Johnston) Approve the staff proposed revised language for RR P1.

http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20item%203a_%20Attach%201_Council_Action_Check_List.pdf

Public Comment - Chapter 7 (RR P1)

Melinda Terry, California Central Valley Flood Control Association and North Delta Water Agency, thanked the Council for giving extra time to revising the language and appreciate the time that you took.

Tom Zuckerman, Central Delta Water Agency, thanked the staff and Supervisor Nottoli and everyone who drafted the language. He indicated that his agency was satisfied with the language and looked forward to continuing to have a working relationship in the future.

Vote: A vote was taken (4/1: Johnston, Gray, Fiorini, Nottoli in support/ Isenberg opposed), and the motion was adopted.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 25](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2025). Segment Number 26 of 36 at 0:35

Agenda Item 3b. **Council Consent Checklist Discussion**

Upon conclusion of Agenda Item 3a, the Council continued to Item 3b, Items Pulled from Council Consent List. The discussion on Item 3b began with staff updating the Council on the items that were being presented for discussion and action. Staff attempted to contact each of the three Council members that removed items from the consent list to determine why they removed the items. In most cases, the Council members only wanted clarification of the issue and after discussion were comfortable with or supportive of the original staff recommendation. Two additional changes were presented in response to Council member Nottoli's concerns.

[http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%203b_%200Attach%202_Council Consent List.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%203b_%200Attach%202_Council%20Consent%20List.pdf)

NOTE: The items for discussion on the Council Consent Checklist are a carry-over item from the June 28-29, 2012 meeting. Please note that June 28-29, 2012 was Council Member Marcus' last Council meeting before joining the State Water Resources Control Board as a member, however, staff contacted Council Member Marcus to determine why she requested items to be removed. Ms. Marcus was not in attendance at the July 12, 2012 meeting.

Throughout the discussions of each of the items, the Council members requested clarification and provided their comments. Public comment was heard after each item discussion and before the Council made its decision and votes on the items contained in the Council Consent List.

Motion: (Offered by Johnston; seconded by Gray) Approve as a package the items pulled from the consent list, with the Council directed changes (see specific items below for changes, all of which were directed, without objection, following opportunity for public comment)

Vote: A vote was taken (5/0: Johnston, Gray, Firoini, Isenberg, Nottoli), and the motion was adopted.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 34](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2034). Segment Number 35 of 36 at 10:54

Chapter 1, Item 43

Proposed change: revise item 43 as requested by Council Member Gray. She said, "to clarify that the uncertainty occurs in dry years (and below normal) when the conflicts are the greatest. Line 32 after 'water supply uncertainty for agencies that use water conveyed through the Delta add (comma) particularly in drier years when ecosystem

conflicts are greatest.’ Also revise line 34 to say ‘becoming increasingly reliant on Delta exports that, by contract were intended to be supplemental supplies.’”

Public Comment – Chapter 1, Item 43

Greg Zlotnick, State and Federal Water Contractors Water Agency, discussed the implication of language regarding “supplemental” water, and thought it added confusion to the lay reader and it is not extra.

Discussion by Council:

- Council discussed appropriateness of using language suggesting that water suppliers are supplemental now that agencies have become dependent on that supply

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as outlined.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 27](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2027). Segment Number 28 of 36 at 4:40

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 27](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2027). Segment Number 28 of 36 at 7:21

Chapter 3, Item 145

Proposed change: revise language in item 145 as outlined by Council Member Gray. The requested change is: “Conflicts over water use are compounded by SWP and CVP contracts that, while intended to be a supplemental water supply to augment local water sources, now create an expectation that more water should be exported that can be consistently delivered-pumped. Overall, exports from the Delta have been rising over the past four decades, However, SWP contract amounts were originally based on assumptions that additional dams and conveyance facilities were to be constructed at a later date.”

Public Comment – Chapter 3, Item 145

Greg Zlotnick, State and Federal Water Contractors Water Agency, said, “Issue with lines 32-34 has to do with the use of ‘supplemental.’” He was also concerned that the Council has the notion that the contractors and projects have expectations of water delivery. He said, “That amounts forever and that setting standards in wet years that we expect it ever year. We are very aware we do not get that every year. We are very aware that the contracts are subject to environmental regulation and state board and ESA and everything else. That is why we do what we do.” Mr. Zlotnick’s main concern was that part of the issue in this document is that it misrepresents how the projects operate but he wanted to make the point that contractors and projects understand how it all works and the entire issue is the use of “supplemental” water.

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as outlined above.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 28. Segment Number 29 of 36 at 3:34

Chapter 2, Item 80

Proposed change: clarify in the text in Chapter 2 as requested by Council Member Nottoli that in the Delta Plan that local agencies will be a part of the implementation committee.

Public Comment – Chapter 2, Item 80

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff were directed to add the word “local” to line 14, after federal in an attempt to clarify the text regarding local agencies.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 28. Segment Number 29 of 36 at 4:22

Chapter 2, Item 81

Proposed change: revise text in Chapter 2 as requested by Council Member Marcus to clarify that the Delta Plan may be updated sooner than the 5 year minimum requirement.

Public Comment – Chapter 2, Item 81

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise text to clarify that the Delta Plan can be updated sooner than the 5 year minimum requirement.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 28. Segment Number 29 of 36 at 5:32

Chapter 2, Item 85

Proposed change: revise the language in this section as requested by Council Member Gray to clarify the definition of significant impact.

Public Comment – Chapter 2, Item 85

Greg Zlotnick, State and Federal Water Contractors Water Agency, said, “Want to be clear the Council has a four part test for ‘covered actions’ and when you deal with a future project such as BDCP anything will become significant and I just want to make sure that is what you want to do?”

Mark Rentz, Association of California Water Agencies, said, “Definition of significant impact ‘cumulatively.’ Strongly encourage the Council to speak with staff to have a discussion about the definition of significant impact as ‘cumulatively.’ What does baseline mean?”

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language, as may be appropriate, as discussed by Council Member Gray.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 30](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2030). Segment Number 31 of 36 at 4:16

Chapter 3, Item 107

Proposed change: revise language as requested by Council Member Marcus and add references where appropriate to clarify section material.

Public Comment – Chapter 3, Item 107

Greg Zlotnick, State and Federal Water Contractors Water Agency, said, “There are projects that are out there that are bigger than what has been discussed.”

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as presented by Council Member Marcus as appropriate and include references for clarification.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 31](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2031). Segment Number 32 of 36 at 0:18

Chapter 3, Item 179

Proposed change: revise the language as requested by Council Member Gray; the first sentence of the line 26 should be deleted and the third sentence in line 28 should be revised by deleting the beginning of it; “~~The lack of State oversight means~~ Limited and often incomplete information is available.....”

Public Comment – Chapter 3, Item 179

Greg Zlotnick, State and Federal Water Contractors Water Agency, said, “Groundwater is critical within the state. Believe that a statement that groundwater is largely unregulated is not correct. You have stated in prior meetings correctly that there is not state oversight but that does not mean it is not largely unregulated. The issue of transparency and information is being addressed as a consequence of SBX X7. The third sentence in the last paragraph should be revised by deleting the beginning of it; ‘~~The lack of State oversight means that~~ Limited and often incomplete information is available....’”

Tom Zuckerman, Central Delta Water Agency, said, “Not sure reference to state regulation is appropriate or useful in this situation. If you have a preference here look at more as regional water management issue than state regulation.”

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as presented by Council Member Gray.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/>

Agenda Item 3 Index 32. Segment Number 33 of 36 at 4:55

Chapter 3, Item 181

Proposed change: revise the language as requested by Council Member Marcus. In 2007, the California Legislature passed a law requiring Since 2008, DWR, SWRCB and the Department of Public Health to study the development of a coordinated have been working to develop a coordinated database to track the...

Public Comment – Chapter 3, Item 181

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as directed by Council Member Marcus.

*The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/>
Agenda Item 3 Index 33. Segment Number 34 of 36 at 3:08*

Chapter 4, Item 196

Proposed change: revise the language as requested by Council Member Marcus to add a concluding phrase to this section “without significant declines in ecosystem services.” Need to clarify that all ecosystems will absorb and adapt to multiple stressors, but humans may not like the end result of this adaptation.

Public Comment – Chapter 4, Item 196

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as proposed by Council Member Marcus.

*The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/>
Agenda Item 3 Index 33. Segment Number 34 of 36 at 3:39*

Chapter 5, Item 240

Proposed change: revise the language as requested by Council Member Marcus. Expand the discussion of climate change in this chapter and throughout the Delta Plan.

Public Comment – Chapter 5, Item 240

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise the language as proposed by Council Member Marcus.

*The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/>
Agenda Item 3 Index 33. Segment Number 34 of 36 at 4:20*

Chapter 6, Item 275

Proposed change: revise the language as requested by Council Member Gray. Change the due dates for nutrients work plan to 1/1/2014. The State Water Resources Control Board says it cannot meet the 2013 deadline on this issue.

Public Comment – Chapter 6, Item 275

Greg Zlotnick, State and Federal Water Contractors Water Agency, said, “Understand the agency charged to do it would say they could not do it and want to make sure that it is consistent with your own Science plan science it is not even set up yet.”

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to work with Dr. Goodwin and revise accordingly checking again on the correct date for the work plan with the State Water Resources Control Board.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 34](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2034). Segment Number 35 of 36 at 2:47

Chapter 6, Item 278

Proposed change: revise the language as requested by Council Member Nottoli. “Ensuring a safe drinking water supply can have a disproportionate cost for small and disadvantaged communities. Delta communities that are small and disadvantaged include Bethel Island, Courtland, Hood, Isleton, Locke, and Walnut Grove. Options available to small, disadvantaged communities to correct unsafe drinking water conditions include consolidation with a larger water system, consolidation of several small systems into a single larger system, centralized treatment, interim point-of-use treatment or use of bottled water, replacement of a contaminated source with an uncontaminated source and, in the case of chemical contamination, blending of contaminated sources with uncontaminated sources. Availability and prioritization of funding, restructuring of regulatory requirements, and provision of technical assistance....”

Public Comment – Chapter 6, Item 278

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to work with Council Member Nottoli on the revision; also add Freeport as a disadvantaged community and USDA in the list of agencies.

The video showing this vote can be found at [http://dsc.videosscc.com/archives/071212/Agenda Item 3 Index 34](http://dsc.videosscc.com/archives/071212/Agenda%20Item%203%20Index%2034). Segment Number 35 of 36 at 5:40

Chapter 7, Item 288

Proposed change: revise the language as requested by Council Member Nottoli to help distinguish the three types of levees in the Delta and Suisun Marsh. “... the Delta includes more than 1,000~~335~~-miles of levees, There are roughly 1,000 miles of project and non-project levees in the Delta and Suisun Marsh. These levees include some that are unmaintained along the perimeter of permanently flooded islands and therefore may

not technically function as levees in the traditional sense. Non-project levees are defined in California Water Code Section 12980(e). Some levees that are not project levees are also not “non-project levees” and are sometimes called “unattributed levees.” There are hundreds of miles of these other levees in the Delta and Suisun Marsh. Depending upon which types of levees are being counted, different values may be derived for levee mileage in the Delta.

Approximately 65 percent of the levees in the Delta and the levees in the Suisun Marsh are owned or maintained by local agencies or private owners and are not part of the State and federal government’s Sacramento River Control Project or San Joaquin River Flood Control System Project. Most of these non-project and unattributed “~~non-project~~” levees are maintained by local reclamation districts created and funded by landowners, initially for the purpose of draining (“reclaiming”) the Delta islands and tracts.”

Public Comment – Chapter 7, Item 288

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise language as requested by Council Member Nottoli and also to further define what “Unattributed levees” means in the Delta Plan.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 34. Segment Number 35 of 36 at 8:18

Chapter 7, Item 304

Proposed change: clarify the first bullet regarding State funding priorities as requested by Council Member Marcus. The first bullet on page 261 line 15 should be changed to clarify that this funding priority for 200 year protection would apply to existing urban areas and adjacent urbanizing areas. This same comment applies to the table on page 272.

Public Comment – Chapter 7, Item 304

No Public Comment

Vote: Without objection: 5/0 (Johnston, Gray, Fiorini, Isenberg, Nottoli), and staff was directed to revise language as requested by Council Member Marcus.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/071212/> Agenda Item 3 Index 34. Segment Number 35 of 36 at 8:46

4. Public Comment

Chair Isenberg asked if there were any members of the public wishing to address the Council on items or issues not on the agenda – there were none.

5. 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 – August 23-24, 2012, at the Ramada Inn and Suites in West Sacramento.

At the conclusion of the meeting the Council members discussed and confirmed the cancellation of the meeting scheduled for July 26-27, 2012 but added an additional meeting for the month of September tentatively scheduled for September 13-14, 2012.

The meeting was adjourned at 3:46 p.m.