

**Amended Draft 10/26/2010 – SUBJECT TO CHANGE
FOR REVIEW AND ADOPTION BY DSC AT 10/28-29/2010 MEETING**

**DELTA STEWARDSHIP COUNCIL
August 26-27, 2010
MEETING SUMMARY**

DAY 1: Thursday, August 26, 2010, (10:00 a.m. – 5:00 p.m.)

1. Welcome and Introductions

The meeting was called to order at 10:00 a.m., August 26, 2010, by Chair Phillip Isenberg. Executive Officer, Joe Grindstaff, administered the Oath of Office to Councilmember Felicia Marcus.

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, Gloria Gray, Felicia Marcus, Don Nottoli (arrived at 10:05 a.m.) and Patrick Johnston (arrived at 11:02 a.m.) Absent: Hank Nordhoff.

3. Chair's Report

Chair Isenberg gave an update on the confirmation hearings for Council members Isenberg, Fiorini, Nordhoff, and Marcus. He also discussed the staff of the House Water and Power Subcommittees' visit to Sacramento. They asked about the 2009 water legislative package and the BDCP process as well as potential subjects for hearings and interim hearings. Attending the meeting were state, federal and legislative representatives.

Chair Isenberg also pointed out the numerous amounts of comments and communications and the new process for getting those documents to the Council members.

4. Interim Executive Officer's Report

Joe Grindstaff, Interim Executive Officer, introduced Kevan Samsam, a Senior Engineer who will be the lead on water supply issues.

a. Legislative and Legal Update

Curt Miller provided a brief legislative update on the summary of bills staff is tracking and a brief summary on AB 2092 and SB 1450.

Chris Stevens noted that Rebecca Coleman, a legal extern from McGeorge School of Law, is joining us next month and will be providing the Council with monthly litigation reports and presenting at Council meetings (through the November 2010 meeting).

Joe Grindstaff gave a brief update on the Wanger litigation, noting there are efforts under way to reach a settlement. Grindstaff also discussed the biological opinions and the studies that are being done.

b. Follow-up on Informational Requests from Council

Joe Grindstaff discussed the written responses to DSC member's requests in the members' agenda packet. Supervisor Nottoli expressed his appreciation for the inventory of amenities available island by island in the Delta.

5. July 22-23, 2010 Meeting Summary

Chair Isenberg first asked Council for comments, questions or modifications on the meeting summary.

Member Gray had a question regarding the Levee Panel (Item 12a) at last month's meeting. There were two questions asked of the panel - discussion of near-term flood risk and the provision of emergency preparedness services and what near-term solutions they recommend. Gray was unable to attend the meeting and would like a summary of the comments made by the public regarding the two questions. Chair Isenberg described the public comments to the best of his recollection. The public comments were verbal and not in writing. Chair Isenberg suggested that Gray review the archived webcast for further information. Joe Grindstaff said he would provide Gray the link to the webcast and link to the agenda item so she could review the public comments.

Regarding Item 12b, Member Fiorini stated there was an expression of concern that the interim plan did not identify stressors to the Delta nor did it identify the early actions that may be recommended in response a list of stressors. There was considerable discussion on this item and Member Fiorini would like a sentence inserted into the meeting summary regarding the discussion such as: "Council member Fiorini suggested that one key element is other stressors and it needs to be included in the third draft Interim Plan."

Chair Isenberg recalled the statement and the Council directed the staff to make the addition to the summary.

In addition, Member Fiorini recalls Mr. Kirlin asking staff for a list of stressors, which he provided to Mr. Kirlin at the conclusion the agenda item, noting it being one member's attempt to document those items.

Member Gray said she would like staff to capture the essence of the public comments and panel comments and include them in the meeting summary. Grindstaff said staff will increase the depth of the public comments in the meeting summaries and also suggested it may be helpful to add the link where the comments are posted in the meeting summaries, as well.

Supervisor Nottoli would also like a copy of Mr. Cosio's diagram of priorities in the Delta given during his presentation.

Chair Isenberg asked if there were questions or comments from the staff or members of the public. There were no comments from staff. Public comment on the meeting summary was provided by: Mark Rentz, ACWA, who suggested it may be helpful if written comments are submitted to note the submission next to the commenter's name.

It was moved (Fionini) and seconded (Nottoli) to approve the meeting summary as amended. A vote was taken (4/0, 1 abstention [Ms. Marcus had not been a member of the Council at the July meeting]) and the motion was unanimously passed to approve the July 22-23, 2010 Meeting Summary.

6. Interim Lead Scientist's Report

Dr. Cliff Dahm updated the Council on the upcoming Delta Independent Science Board's (ISB) inaugural meeting and the Bay Delta Science Conference. The Science Conference will be held Sept. 27-29, 2010, at the Sacramento Convention Center and the Delta ISB meeting will be held Sept. 30-Oct. 1, 2010, in the Delta Room at 650 Capitol Mall, Sacramento.

7. Adoption of Charge for Delta Independent Science Board (Water Code §85280) (Action Item)

Dr. Dahm presented item 7, the adoption of the Charge to the Delta Independent Science Board. The draft Charge was presented to the Council on July 22, 2010, and was revised to incorporate Council comments. The revised draft Charge was brought to the Council as an action item for adoption. The Charge will be provided to the Delta ISB at its first meeting. Delta ISB Guidelines will incorporate the Charge as approved by the Council as part of the overall guidelines. The Delta ISB will present the adopted guidelines as an informational item to the Council at a future meeting.

Chair Isenberg thanked Dr. Dahm for amending the "independence" language in the charge and asked for questions and comments from Council. Member Gray said that she has heard comments that Dr. Dahm has been very open to listening and very fair in terms of his conversation with stakeholders. Gray believes the two principles of the charge are important - truly being independent and the fact that best available science will be used.

It was moved (Nottoli) and seconded (Gray) to adopt the Charge to the Delta ISB. A vote was taken (5/0) and the motion was unanimously passed.

8. Adoption of "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and III. Other Forms of Review or Evaluation by the Council" (Water Code §85225.30) (Action Item)

Chris Stevens and Dan Siegel, Supervising Deputy Attorney General, presented this item. At the July meeting, the Council reviewed a second draft that had been recast 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. Following the discussion, the Council directed staff to meet with representatives from the five Delta Counties prior to preparation of the third draft.

Stevens described the third draft provided to the members and also referenced the meeting with the Delta Counties and subsequent correspondence from the Delta Counties Coalition.

Stevens drew the Council's attention to the redline version of the third draft,(including additional proposed changes included in members' supplemental materials) and described the major changes between the second and third draft, stating the idea is to propose rules that are workable, add value, and are consistent with the statute.

The Council reviewed the draft with Stevens, asking questions, requesting clarification of language and making comments.

Public comment on the Covered Actions portion of the procedures was provided by:

Mark Rentz, ACWA, Suggests providing a statement for the layperson describing what constitutes a covered action and what is the due process approach for determining whether a proposed project is a covered action or not.

Pete Kutras, Delta Counties Coalition, brought to the Council's attention the letter they submitted and is posted at:

http://www.deltacouncil.ca.gov/docs/correspondence/081710_Delta_Counties_Coalition.pdf

The Counties recognize the appeal process is a "work in progress" and all want a workable process to make sure that the Counties meet their requirements in the statute, stating that the process should be open to future modifications.

Rosalie Thompson, Metropolitan Water District of Southern California (submitted written comments to the Council that have been posted at:

http://www.deltacouncil.ca.gov/docs/dpip_public_comments/MWD_082610.pdf

The Council recessed for lunch at 12:20 and reconvened at 12:50, continuing Agenda Item 8, discussing the Standard of Review for an appeal of the Bay Delta Conservation Plan for purposes of inclusion in the Delta Plan.

Public comment on the Appeals Procedures and BDCP was provided by:

Greg Zlotnick, State and Federal Water Contractors, discussed the level of review of BDCP and also suggested the Council not adopt the regulations today because of the changes in language.

Pete Kutras, Delta Counties Coalition, re-emphasized their request in the 8/17 letter with regard to the BDCP appeals, noting that it is important that the Council not shrink from its duty under the statute.

Mark Rentz, ACWA, said the DSC should be an appellant body, not a tryer of fact, and he read portions the statute.

Matthew Emrick, City of Antioch, asked what happens if the BDCP is not completed on time or is not consistent with the Delta Plan? Is there going to be a procedure, rules or process to evaluate how integration will impact the Delta Plan?

After the last public commenter, Chair Isenberg skipped to agenda item 10, to accommodate Mr. Wilson's next appointment. After the conclusion of the agenda item, the Council will return to the Rules discussion.

10. Introduction of Delta Watermaster – Craig Wilson (taken out of order)

Joe Grindstaff introduced the State Water Resources Control Board's new Delta Watermaster, Craig M. Wilson. Wilson is a 30-year veteran dealing with California's complex water issues. He served as a lawyer at Stoel Rives LLP, specializing in water issues and was the Water Board's Chief Counsel from 2000 until 2005. Prior to that, he had 24 years of experience in a variety of capacities with the Board. After Wilson's introduction, he presented a PowerPoint Presentation on the Delta Watermaster's statutory duties and the Watermaster's "first steps". Wilson will provide periodic updates for the Council.

Continuation of Agenda Item 8 Adoption of "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and III. Other Forms of Review or Evaluation by the Council" (Water Code §85225.30) (Action Item)

Member Fiorini recommended holding the action item over until the September meeting in order to allow the Council and staff to revise the draft procedures to incorporate the sections 22.5 and 23 (included in the supplemental materials) as recommended, and to provide various options for a standard of review for an appeal relating to BDCP and its inclusion in the Delta Plan.

Grindstaff also wanted staff to clarify in the procedures that the decision on appeal is whether BDCP meets the statutory criteria for inclusion in the Delta Plan, not whether to revoke a regulatory action or permit. The Council members reviewed the statute and discussed this issue, requesting more background information. The Council continued their discussion and at the conclusion of the discussion, it was moved (Nottoli) and seconded (Gray) to bring this item back at the September 23 meeting without objection.

9. Update on BDCP

Keith Coolidge addressed agenda item 9, introducing the ARCADIS Team, Larry Roth, Peter Wijsman and Lucas Paz, the independent contractor tasked with assisting the Council in its responsibilities regarding BDCP, including direction to assess the criteria for acceptance of BDCP into the Delta Plan

The panel briefed the Council on their work to date, noting key issues. The presentation was followed with a discussion how to best proceed with resolving/investigating issues with BDCP.

Public Comment on Agenda Item 9 was provided by:

Greg Zlotnick – State and Federal Water Contractors Agency, commented an adaptive management approach to the conservation measures and the operation of any new facilities is also under discussion.

Spreck Rosekrans, Environmental Defense Fund, said that it has not been decided if the proposed conveyance should be considered a conservation measure.

Gary Bobker, The Bay Institute, commented on adaptive management, measures identified by BDCP and CALFED, and the logic chain, and conservation measures.

Melinda Terry, North Delta Water Agency, encouraged the Council to look online at the BDCP Steering Committee's science panel presentation. She also talked about conservation measures and adaptive management process. She also mentioned that the BDCP chapters received at this point are incomplete.

Tom Zuckerman, Central Delta Water Agency, commented that the SWP export contracts were to be met from water supplies to be developed as the export demands grew, largely from North Coast projects which were never built. The export contracts all had shortage provisions in them which were to be borne first by the agricultural export customers. The export supplies were "interruptible." The export contractors keep hardening their demands by planting permanent crops and by transferring supplies to urban uses. When the urban contractors relinquished their shortage preferences in the Monterey Agreement, this allowed urban transferees to pretend they had firm water in satisfaction of Senator Kuehl's legislation even though the overall shortages had not been addressed. The BDCP plan is based upon exporting six million acre feet of water every year without stopping to figure out what the exportable supply actually is in different year types, which would allow them (or us) to figure out where else water needs to come from to meet (or not meet) these hardening demands.

Dick Pool, Pro-Troll Fishing Products, commented on the logic chain and conservation measures.

Following the discussion, the Council asked for: a summary report monthly and a list of major unresolved issues on BDCP - Ecosystem and Water Supply issues, also updated monthly.

11. State Water Resources Board Presentation on its Flow Criteria for the Sacramento-San Joaquin Delta

This item was intended to provide background for the Council as it considers flow criteria issues in the Delta. Joe Grindstaff announced the final version of the Delta Flow Criteria report was transmitted to the Council, and can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf

Grindstaff introduced Les Grober, Manager of the Hearings and Special Programs Section, Division of Water Rights, State Water Resources Control Board, who gave a presentation that covered why the report was done, what was in the report, and some of the next steps. The presentation included the legislative directive, the Board's processes and limitations of the criteria, a summary of criteria, the methodology and examples of Delta outflow criteria. Grober stated that the report answered a specific question of what flows are necessary to protect fisheries in the Delta under today's conditions. He also went over the changes in the draft and final report. The report was approved by the Board on August 3 and submitted to the Council within 30 days as required by the statute.

At the conclusion of the presentation, Grober answered questions and took comments from Council.

Public Comment on Agenda Item 11 was provided by:

Gary Bobker, The Bay Institute, commented on co-equal goals and ecosystem flow needs.

Dick Pool, Pro-Troll Fishing Products, spoke on timing of flows, long and short-term strategies and that would improve flows.

Bob Whitley, Contra Costa Council, complimented the Board on its document. The Contra Costa Council several years ago identified the importance of identifying flow criteria in the quest of protecting the Delta. Finds report “well reasoned” and a great reference as far as the condition of the fisheries. Also suggests the methodology for this report be ratified by this Council.

Greg Zlotnick, State and Federal Water Contractors Agency, commented that because report did not address other stressors, the amount of flows recommended are likely overstated.

David Guy, Northern California Water Agencies, said he believes the Flow Criteria presentation is accurate, in his view the Legislation did require to board to look at flows, timing, etc. From a North State prospective, he is concerned with three issues: the report focuses on smelt and may be detrimental to salmon; also can't ignore the terrestrial Habitat (Pacific Flyway); concerned with impacts on recreational opportunities and local economy.

Spreck Rosekrans, Environmental Defense Fund, feels the focus is on flows and made comments on exports, and thinks it was appropriate to not publish the modeling results as part of the Boards report and to get something out that makes sure the results are not over estimated.

Mark Rentz, Association of California Water Agencies, appreciative of the Board's work under tight time constraints and asked how a multi-variable analysis would now be done because he feels that this will be the real challenge.

Ken Petruzzelli, San Joaquin River Group Authority, feels the flow criteria report was narrowly focused and flow is not the only factor. There are other stressors that need to be addressed. There will be other impacts to look at including impacts to fisheries.

Chair Isenberg requested that each of those who provided comments to this item analyze, evaluate and grade all the various notions and ideas that are out there, in order to present to the Council the methodology for a a public interest balancing test, which everyone on all sides says is required. Member Fiorini suggested putting together a work group to address the request.

12. Public Comment – there was no additional public comment.

The meeting concluded for the day at 5:20 p.m.

DAY 2: Friday, August 27, 2010 (9:00 a.m. – 3:30 p.m.)

13. Call to Order

The meeting resumed at 9:02 a.m., with Chair Isenberg presiding. Chair Isenberg had three preliminary announcements for the Council. First, was to note the packet of material from Nicky Suard, which can be found at:

http://www.deltacouncil.ca.gov/docs/correspondence/082610_Snug_Harbor.pdf Isenberg also announced the Little Hoover Commission was releasing a report on California Water Policy Governance <http://www.lhc.ca.gov/studies/201/Report201.pdf> ; and the requests from the Environmental Water Caucus and the Delta Protection Commission to brief the Council on their activities/reports.

The Environmental Water Coalition has issued a report on California Water Solutions, available at: <http://ewccalifornia.org/reports/CWSN-2.pdf> and the DPC is advancing their work on the Delta Primary Zone review and the Economic Sustainability Review. Supervisor Nottoli announced the DPC Land Use & Resource Management Plan for the Primary Zone of the Delta is posted on the DPC website at:

<http://www.delta.ca.gov/Land%20Use%20and%20Resource%20Management%20Plan%20for%20the%20Prim.htm>

14. 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, Gloria Gray, Patrick Johnston, Felicia Marcus, Don Nottoli. Absent: Hank Nordhoff.

15. Delta Plan Stakeholder Workgroup Update

a. Governance

b. Communications

Terry Macaulay introduced Mike Harty, the facilitator of the workgroups, who gave the Council an update on the Governance and Implementation and Communications and Outreach Workgroup meetings that took place on August 3 and August 12. Summaries and materials from both workgroup meetings were included in the members' meeting materials, as well as correspondence regarding the workgroups which is posted at:

http://www.deltacouncil.ca.gov/public_involvement/correspondence.htm

16. Adoption of Interim Plan (Water Code §85084 and Water Code §85300)

(Discussion/Action Items)

Terry Macaulay began the discussion by describing the two requested actions, 1) Discuss and adopt the Interim Plan after making any needed changes to the Final Draft Interim Plan, and 2) appoint a committee to consider early actions for inclusion in the Interim Plan.

Macaulay said that the Interim Plan was modified in accordance with comments received from the Council and public. There were major modifications in the background and section, which included clarification for use of the Interim Plan in sections 2 and 3; both processes for early actions and use of best available science, and modifications to the form for submissions of early actions and the other potential covered actions.

Consultant Gwen Buchholz walked through the modifications made to the Interim Plan in detail, section by section, using the redline version and taking questions from the Council and providing clarification of the modifications. Buchholz began her presentation by stating that the purpose of the Interim Plan is to be a framework to provide guidance for the actions of the DSC over the next 18 months during the preparation of the Delta Plan, which will have regulations associated with it that will require the plan to go through the CEQA compliance to inform the Council on that process and the discretionary actions that would occur in the Delta Plan.

The Council took a break from the Interim Plan discussion to hear from Christopher Cabaldon, Mayor of West Sacramento. Mayor Cabaldon addressed the Council on the draft Interim Plan, covered actions such as the critical issue of policies regarding development objectives in the Delta, regional planning, and sustainable communities plans, and also the complex and highly delicate regulatory processes required for flood management and levee construction particularly within the city. At the conclusion of Cabaldon's comments, the discussion on the Interim Plan resumed.

Consultant John Kirilin responded to questions from the Council and provided clarification on the modifications in early actions and covered actions processes. Early actions will be considered in a public process by the Council or a committee of the Council, in September, October, and November. The first early actions should begin with actions stated in the statute.

Section 3 of the Interim Plan Process includes draft procedures for required appeals and reviews. The adoption of the draft procedures is delayed until the September meeting. The section will be flagged for modification per Council action on the rules.

Public Comment on Agenda Item 16 was provided by:

Pete Kutras, Delta Counties Coalition, made specific comments on the Interim Plan and requested clarification on the plan, line by line. Concluded by saying the Counties appreciate the outreach process, meetings with staff, but have concerns with sequencing of the development of the Delta Plan with regard to comment period and a letter has been sent with their concerns

http://www.deltacouncil.ca.gov/docs/dpip_public_comments/Delta_Counties_Coalition_082610.pdf

Melinda Terry, North Delta Water Agency & California Central Valley Flood Control Association, expressed concern with what she believes is a failure to communicate. She is looking for transparency in process and would like to see how comments are incorporated or not. She also thinks it is important for Council member to participate in workgroups to hear stakeholders. Terry suggests assigning Council members to chair the workgroups, she also requests that

essences of public comments be reflected in meeting summaries and thinks there should be public outreach (talk to landowners) for the Delta Plan. Finally, she encourages DSC to look beyond the agencies and consultants and seek out the knowledge and expertise of those who work, live and play in the Delta.

Tom Zuckerman, Central Delta Water Agency, complimented the way the discussion was carried forth at the workshop as captured by the summaries. He said this is reflective of one of the major comments at the workshop to have a two-way conversation. Zuckerman questioned what was being done with the Delta Levees Subvention Program, which he feels is a valuable program with good participation, and is doing a good job and should go on, without impairment.

Ann Spaulding, City of Antioch, stated that Antioch's interest is in making the process successful. She similarly feels it is important to summarize public comments and commends work that went into comment matrix. She thinks an engagement plan should be considered as well as workgroups to inform stakeholders of the process as the Council moves forward to get engagement from the stakeholders. Finally, she feels that the city will need the Council's help in pulling the right people together in looking at regional solutions.

Steven Goetz, Contra Costa County, noted letter submitted http://www.deltacouncil.ca.gov/docs/dpip_public_comments/Contra_Costa_County_082_410.pdf He stated that he was pleased with Appendix A and feels the use of a "de novo" standard of review for a BDCP appeal is a welcome addition. He also believes, however, that the Interim Plan process is not transparent or open. He would like to know how the comments are considered in putting together the Interim Plan.

Bob Whitley, Contra Costa Council, comments focused on the near-term actions and table 4.1 (redline page 36). He suggests separating "statutory" and "discretionary and future actions" and splitting the table. As part of the Interim Plan, begin now with the identified emergency actions and the strategies associated with enhancing the existing levee system, move forward on strategic investment decisions regarding some of the levees that could be placed and go after those who have the responsibilities. Member Fiorini asked if there is a priority list for levee maintenance – which has been done several years ago and that could be submitted to the Council.

Maureen Martin, Contra Costa Water District, commended the staff on recent version of the Interim Plan and incorporating their comments, and addressing a letter about third party recommendations for early actions at: http://www.deltacouncil.ca.gov/docs/dpip_public_comments/CCWD_082610.pdf She also supports more transparency on Councils' disposition of comments.

Anson Moran, Delta Wetlands, asked about consultation and staffing during a comment period on an EIR. He feels there is a benefit in having staff available to provide meaningful consultation for major things that are going on in the Delta.

Greg Zlotnick, State and Federal Water Contractors Agency, asked what had happened to the comments put in by Monday's due date – are they included in draft plan? Zlotnick also brought

up several issues that were unclear to him, requested clarity and provided suggestions for many sections in the Executive Summary, on Delta Flows, Policies and Decisions and Funding Recommendations.

Dave Breninger, Placer County Water Agency & Recreational Boaters of California, stated that he appreciated the process. He mentioned the letter with comments submitted on July 8 [http://www.deltacouncil.ca.gov/docs/dpip_public_comments/Recreational Boaters of California_070810.pdf](http://www.deltacouncil.ca.gov/docs/dpip_public_comments/Recreational_Boaters_of_California_070810.pdf) and thinks a key part of plan should be to identify costs, benefits and who pays and had specific comments on use of current costs. He also stated the recreational boaters he represents had concerns with the proposed barriers [project].

Mark Rentz, Association of California Water Agencies, congratulated staff and consultants on the Interim Plan effort. He suggested that as we move from plan development to plan implementation, as time allows, we bring in people to talk about their action operations and how implementation will affect their operations. Rentz went through the Interim plan, page by page, suggesting revisions and requesting clarification.

Ryan Bezerra, Bartkiewicz, Kronick & Shanahan, commented on transparency of process, then went through the plan, page by page suggesting revisions and requesting clarification.

Burt Wilson, provided general comments on the Interim Plan. Regarding the co-equal goals he feels they are mutually exclusive. Wilson cited the water code but believe most people feel this is a form of “water grab”. He found the Board’s water flow presentation very interesting. He also believes economic development is stalled in Southern California until they get water and are looking at the Council to do it. He asked what happens when there is a drought – save the Delta or Southern California.

Karen Medders, Delta resident, commented on how the residents don’t understand how the Council can come up with any plan that doesn’t base itself primarily on the DPC Resource Management Plan – it has legal precedent, is established, and is most current. She says to not use the DPC Plan would be irresponsible.

Phil Pogledich, Yolo County Deputy Counsel, had to leave meeting. Pete Kutrus, on behalf of the Delta Counties Coalition noted that Pogledich was going to comment on pages 32 and 33 and will make himself available to work with Chris Stevens on this section.

Following the public comments, Chair Isenberg summarized the Council’s discussion and potential action as follows:

1. The Council will delay adoption of the administrative procedures until the September meeting. In all other respects the Interim Plan is proposed for adoption. With regard to the Interim Plan, staff will insert a “place-holder” for the administrative procedures language pending the September action.
2. Staff will have authorization to do grammatical editing on the remainder of the Interim Plan with the instruction to return to the Council if there are significant policy implications that arise or for the need to review.

3. There were additional smaller issues, language adjustments and suggested edits, with the Chair noting 'best available science' as a prominent point. Those issues will be discussed by the Science staff, consultants and interested parties, in an attempt to draft understandable language on the definition of best available science.

Chair Isenberg requested that a list of points to be changed or modified, be posted by Monday, COB. (Staff notes that a complete new redline version and a new clean draft with the proposed revisions was posted in its place).

It was moved as amended (Johnston) and seconded (Fiorini). A vote was taken (5/0) and the motion was passed.

Following the vote, the Council agreed to form a committee to vet the Early Actions and return to the Council with recommendations. Chair Isenberg and Member Fiorini volunteered to sit on the subcommittee; however, members may decide to rotate participation on the subcommittee. The first meeting is tentatively scheduled for a week from Monday and the subcommittee will report back to the Council at the September meeting.

17. Delta Plan Development – Initial Steps

Terry Macaulay began the discussion on the Delta Plan development, giving background information on the Delta Plan development process. Gwen Buchholz discussed initial considerations for the environmental process. More detail on the preparation of the Delta Plan and environmental documents will be presented at the September meeting.

Staff requested the Council adopt a tentative timetable for the Delta Plan preparation.

Public comment on Agenda Item 17 was provided by:

Mark Rentz, Association of California Water Agencies, had questions regarding the CEQA process - if the Delta Plan is a living document, does a project have to go through the CEQA Process if the Plan is amended? How do projects fit into the CEQA process?

Greg Zlotnick, State and Federal Water Contractors Agency, had a question if the AG opinion on whether a CEQA EIR is required for the Delta Plan is public and if not, requests a written document that explains the AG oral opinion.

18. Public Comments

Nicole Suard, Snug Harbor, was unavailable for the meeting but submitted a Request to Address the Council on which she stated, "Page 49 – Interim Plan – map wrong regarding number of residents on Ryer Island. Per Caltrans 2009 Report there are 300400 residents, 2 marina resorts and commercial fishing. When considering these projects, ask "Does this project increase or decrease water diversions from the Delta?" Especially if combined with other projects, what is the long term flow result?"

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