

REVISED
DELTA STEWARDSHIP COUNCIL
September 13, 2012
California State Capitol, Assembly Room 447
Sacramento, CA 95814
MEETING SUMMARY

September 13, 2012, 9:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:02 a.m., September 13, 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: Patrick Johnston, Gloria Gray, Randy Fiorini, Phillip Isenberg, and Don Nottoli. Absent was Hank Nordhoff.

3. Chair's Report

Chair Isenberg announced the Legislature is not in session but many Legislators were waiting for the Governor to sign or veto 700 to 800 pieces of legislation.

Executive Officer Joe Grindstaff explained that the purpose of this meeting was to validate the actions that the Council directed staff to take on the final staff draft Delta Plan pursuant to the motion that was adopted at the July 12, 2012 meeting. Mr. Grindstaff stated that he was not expecting the Council to make an additional motion during the meeting, but was expecting if there were inconsistencies in changes made to the draft plan that the Council Members point those out to the staff. Mr. Grindstaff also explained the process and next steps for completion of the Delta Plan.

Following the establishment of a quorum and the update provided by Mr. Grindstaff, Chair Isenberg announced the Council was going into Closed Session and the Executive Officer's report would be heard when they reconvened for the Open Session of the meeting.

4. Closed Session – (Not open to the public) Personnel (Government Code §11126(a)(1)) (Action Item)

At 9:20 a.m., the Open Session of the Council meeting recessed. The Closed Session was opened at 9:25 a.m. with Chair Isenberg presiding. The Closed Session adjourned at 9:54 a.m.

5. Reconvene Open Session

The Council reconvened in Open Session at 10:15 a.m. Chair Isenberg reported out from the closed session that an offer had been extended to a candidate for the Executive Officer position and the Council anticipates making a formal announcement soon.

6. Executive Officer's Report (Information Item)

6a. Legislative and Legal Update

There were no oral reports provided for the Legislative or Legal update. Chair Isenberg noted that a list of bills provided by Assistant Executive Officer for Legislation Curt Miller was included in the materials under file item number 6.

7. Adoption of August 23-24, 2012 Meeting Summary (Action Item)

August 23-24, 2012 Meeting Summary

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or public regarding the August 23-24, 2012 Meeting Summary – there were none.

Mr. Isenberg noted that Tom Zuckerman had submitted a letter to the Council stating that a portion of his comments at the August 23, 2012 meeting were missing from the live webcast, and so he submitted his comments in writing. Chair Isenberg confirmed that the complete webcast had been restored and Mr. Zuckerman's full public comment can be located on the archived webcast for the August 23, 2012 meeting. The archived video for the August 23, 2012 meeting is located on the Council website at:

<http://dsc.videosscc.com/archives/082312/>

Mr. Zuckerman's written comments are located on the council website at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Zuckerman%20Comments%209_12_12.pdf

Motion: (Offered by Nottoli; seconded by Johnston) to approve the August 23-24, 2012 meeting summary.

Vote: (5/0: Johnston, Gray, Firoini, Isenberg, Nottoli) (Nordhoff absent) and the motion was adopted.

The video showing this vote can be found at: <http://dsc.videosscc.com/archives/091312/> Agenda Item 7 Index. Archive Segment Number 4 of 13 at 1:23

8. Proposed Final Draft Delta Plan

The Council's Chief Deputy Executive Officer, Dan Ray opened the discussion of Agenda item 8 by giving an overview and providing a brief outline of the process that led to the Final Draft Delta Plan. Council staff members, Jessica Pearson and Cindy

Messer were also present to assist in the review and discussion of the Final Draft Delta Plan.

Ms. Pearson reminded the Council of the progress and actions that were taken at the June and July Council meetings with the preparation of the Consent List and Council Action Check List based on the Council's requests. Ms. Pearson also mentioned that in the materials provided for this agenda item was a letter provided by the Chair and Vice-chair that explained their review of the redline version of the Proposed Final Draft Delta Plan, including the Appendices. The letter can be found at this web address:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda_Item_8_Attach_1.pdf

Mr. Ray led the Council through the items listed on the handout titled: *Proposed Final Draft Plan –Errata*. The Items fell into three general categories of necessary changes that were identified by staff after publication on September 5th of the Proposed Final Draft Delta Plan: policy/recommendation related changes, figure changes and minor typo/grammatical issues. Mr. Ray also led the Council through recent revised and additional maps that need to be incorporated into the Final Draft Delta Plan. Following Mr. Ray's report, Chair Isenberg asked the Council if they had any questions. The Council members had a brief discussion prior to taking public testimony.

Public Comment – Agenda Item 8:

Greg Zlotnick, State and Federal Contractors Water Agency, offered the following specific suggestions for changes in the Final Draft Delta Plan:

Pg 40 (line 9) and Pg 43 (line 19) – When describing the adaptive management process for some reason, the word “transparent” has been deleted. He is curious as to why it has been deleted since it is in the statute.

Pg 54 – Concern and objection to the use of the cumulative impact approach.

Pg 56 (line 16 - 17) – Administrative exemption of one-year transfer. Suggest Council change the language to read: Review the policy of that date.

Pg 57 (line 36 - 41) – Even short from consistency process under BDCP is redundant and unnecessary.

Pg 95 (line 40 - 41) – Add comment assessment based on current infrastructure in the system.

Pg 145 (line 40) – Object to deleting term “Master Variable”.

Pg 150 (Figure 4.4) and Pg 345 - Use of unimpaired flow (modeled using current channeled system in place) useful to include that detail. Keeps current geometry in place.

Appendix N - \$20M placeholder for Science should be removed until you have a Science Plan in place. Replace it with TBD.

John Mills, Office of John Mills, stated that there are some inconsistencies with WRR7 and Appendix P. Mr. Mills submitted written comments that are posted on the Council website at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Mills_082312.pdf

Burt Wilson, Public Water News Service, began by praising the ISB for its work and stated he has attended most of the ISB meetings and believes the ISB is a great asset to the people of California. Mr. Wilson asked if each of the near-term projects discussed at the last Council meeting (August 23, 2012) was going to require an adaptive management plan; and if funding was still going to be based on the beneficiaries-pay principle, which he stated would cause people's water rates to rise, as opposed to putting a bond measure on the ballot. Finally, at a recent BDCP meeting he attended, Mr. Wilson stated Jerry Meral was quoted as saying "costing of the tunnels has been 30% completed" and wondered if that was Chair Isenberg's understanding.

Dick Pool, Golden Gate Salmon, Water and Fish Association, stated that he wanted to apologize for not commenting sooner on the previous drafts that have been completed. He stated that he has reviewed the current draft and has some comments on Chapter 4 as it relates to salmon. His organization has a PowerPoint presentation that he would like to share with the Council within the next few weeks. He stated that he would submit written comments that directly relate to Chapter 4, but also on the overall Final Draft Delta Plan. He specifically mentioned that he believed that the section pertaining to Delta Flows was well written, as was the section on migration and predation at the pumps, but felt that they had a different point of view about the importance of hatcheries than what was written in the proposed Final Draft Delta Plan.

Mark Rentz, Association of California Water Agencies and Ag-Urban Coalition, stated he wanted to commend the Council and staff on the progress made from the 5th through 6th and ultimately the 7th draft. He stated it was important to recognize the improvements but that there are still opportunities that lie ahead. Governance is one of the cornerstone roles as well as the role of Science and the development of the Science Plan. He stated that although there have been major improvements; there are still issues that his organizations remain concerned with that he hopes can be addressed during implementation. He stated he wanted to echo one concern previously raised that is the use of the term "cumulative" on page 54. He stated that this will require a great deal of guidance to ensure it does not become excessive.

Dave Eggerton, El Dorado County Water Agency, wanted to express his thanks to the Council for the hard work they have put into developing the Final Draft Delta Plan and looks forward to working with the Council on the next stage.

9. Public Comment

Chair Isenberg asked if there were any additional members of the public wishing to address the Council.

Greg Zlotnick, State and Federal Water Contractors asked if the Council could provide a summary of the next steps and anticipated timeline for the adoption of the Delta Plan.

Ms. Messer provided the following timeline of next steps provided in the table below:

Fall 2012	Anticipated release of Final Draft Delta Plan and recirculation of supplemental Delta Plan Draft PEIR volume with 45 day public comment period. Also commence APA/OAL Rulemaking process with 45 day public comment period
Winter 2012	Conduct rulemaking hearing (Including responses to comments on original PEIR and supplemental PEIR chapter)
Spring 2013	Final PEIR considered by the Council for certification, Final Draft Delta Plan considered for adoption and use in final regulatory approval process
Summer 2013	Regulations based on Delta Plan policies become effective

Following the discussion, Chair Isenberg asked if there were any additional members wishing to address the Council – there were none.

- 10. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests from Council members; and (e) confirm next meeting date – September 27-28, 2012, at the Ramada Inn and Suites in West Sacramento**

The meeting adjourned for the day at 11:53 a.m.