

**DRAFT 12/21/11 – SUBJECT TO CHANGE**  
**For Review and Adoption by DSC at the January 26, 2012 Meeting**  
**DELTA STEWARDSHIP COUNCIL**  
**Thursday, December 15, 2011**  
**California State Capitol, Room 447**  
**Sacramento, CA 95814**

**MEETING SUMMARY**

Note: Copies of all Council meeting agendas and links for all documents can be found at the DSC website, [www.deltacouncil.ca.gov](http://www.deltacouncil.ca.gov). Specific links are provided in the meeting summary for those items submitted at the meeting.

---

***Thursday, December 15, 2011, 10:00 a.m. – 4:30 p.m.***

**1. Welcome and Introductions**

The meeting was called to order at 10:02 a.m., December 15, 2011, by Chair Phillip Isenberg and acted as a committee of the Council, with Members Phillip Isenberg, Felicia Marcus, and Randy Fiorini present.

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

A quorum was established at 10:05. The following members were present for the meeting: Patrick Johnston, Gloria Gray, Felicia Marcus, Randy Fiorini, Phillip Isenberg, and Don Nottoli. Absent: Hank Nordhoff.

**3. Chair's Report**

Chair Isenberg stated he had participated in meetings in Stockton and also spoke to some legislators in San Diego. Both groups were very interested in the DPC's Economic Sustainability Plan.

**4. Executive Officer's Report**

Joe Grindstaff began his report by updating the Council on the EIR Field Hearing schedule. A draft schedule was included in the members' meeting materials with dates and locations of the various hearings that would be held throughout the State in January. All the meetings are tentatively set to begin at 6:00 p.m. and will conclude when all comments have been received. A court reporter will be available to transcribe the comments for inclusion in the EIR formal public record. Hearings have been scheduled in San Diego, Pasadena, Ceres, Clarksburg and Willows. The schedule was posted on the Council's website at [http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_4\\_EIR\\_Field\\_Hearing\\_Schedule.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_4_EIR_Field_Hearing_Schedule.pdf)

**a. Letter of Support for Department of Pesticide Regulation on the Proposed Pyrethroid Regulation**

The Department of Pesticide Regulation came before the Council in November and presented a PowerPoint outlining the agency's concerns over the use of pyrethroids, particularly where the insecticide's chemicals came into contact with Delta fish, and proposed regulations that limit the use of the chemical. Following the presentation, the Council requested staff submit a comment letter on its behalf, in support of the proposed regulations. The December 12<sup>th</sup> comment letter that was sent to DPR was handed out to the members at the Council meeting and was posted on the Council website at

[http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_4a\\_6.pdf](http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_4a_6.pdf)

**5. Adoption of the November 17-18, 2011 Meeting Summary (Action Item)**

Chair Isenberg asked if there were any questions or comments from the Council or the public about the November 17-18, 2011 Meeting Summary. There were no questions from the public however Chair Isenberg requested two modifications: the first was to include the names of the persons who provided oral comment on the Delta Plan Draft EIR and the second was to clarify the last paragraph of Agenda Item 15, Panel Discussion on Stressors in the Delta -- in particular, the last sentence on page 6. Several members agreed that the sentence needed modification.

It was moved (Nottoli) and seconded (Marcus) to approve the meeting summary for the November 17-18 meeting with the requested modifications. A vote was taken (6/0: Johnston, Gray, Marcus, Fiorini, Isenberg, Nottoli) and the motion to approve the meeting summary was adopted.

**6. Lead Scientists' Report**

Dr. Cliff Dahm briefed the Council on three reports released by Delta Science Program-sponsored Independent Review Panels: the Independent Review of BDCP Effects Analysis Conceptual Foundation and Analytical Framework – <http://deltacouncil.ca.gov/event-detail/3700>; the Independent Review of the Economic Sustainability Plan for the DPC - <http://deltacouncil.ca.gov/event-detail/4120>; and the 2001 OCAP Annual Review - <http://deltacouncil.ca.gov/event-detail/3877>

Dr. Dahm updated the Council on the La Niña conditions. The latest condition information can be accessed at

[http://www.cpc.ncep.noaa.gov/products/analysis\\_monitoring/enso\\_advisory/index.shtm](http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/index.shtm) and [http://cdec.water.ca.gov/cgi-progs/currentPLOT\\_ESI.pdf](http://cdec.water.ca.gov/cgi-progs/currentPLOT_ESI.pdf)

The November 2011 Fall Midwater Trawl Fish Abundance Indices were discussed and Dr. Dahm stated the fall fish numbers continued to look good. The survey results were included with the meeting materials under Agenda Item 6, Attachment 1.

Finally, Dr. Dahm discussed the nutrient policy for inland surface waters, excluding inland bays and estuaries in California that was being developed by the State Water Resources Control Board. Information on the Board's proposed policy for nutrients for inland surface waters is posted at [http://www.swrcb.ca.gov/plans\\_policies/nutrients.shtml](http://www.swrcb.ca.gov/plans_policies/nutrients.shtml)

Dr. Dahm answered Council members' questions. Following the presentation, Chair Isenberg asked if any members of the public wished to comment – there were none.

## **7. Delta Independent Science Board Report**

Dr. Jeffrey Mount presented the Delta ISB Report in Dr. Norgaard's absence. Dr. Mount gave a more in-depth update on the October ISB meeting and briefed the Council on the December ISB meeting. The agendas, meeting materials and meeting summaries for the October meeting are posted on the Delta Science Program's website at <http://www.deltacouncil.ca.gov/event-detail/3150> and the December meeting, <http://www.deltacouncil.ca.gov/event-detail/3151>

As a result of these meetings Dr. Mount stated the ISB would be delivering two memos to the Council in January. The first memo will address current funding – stating that funding is inadequate. The other memo Dr. Mount described would be a lengthy memo regarding a broad definition of the role of the Delta ISB and how it wants to function in that role. Dr. Mount answered Council members' questions. Following Dr. Mount's update, Chair Isenberg asked if any members of the public wished to comment – there were none.

## **8. Report from Chair of Peer Review Panel on Delta Protection Commission's Economic Sustainability Plan**

Dan Ray, Dr. Robert Gilbert, Mike Machado and Dr. Jeff Michael presented Agenda Item 8. Mr. Ray introduced Dr. Robert Gilbert, Chair of the Peer Review Panel, who presented a PowerPoint that described the strengths and limitations of the Delta Protection Commission's Economic Sustainability Plan as well as recommendations to the authors and guidance to the Council. Dr. Gilbert's presentation was posted on the Council's website at <http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item%208%20PowerPoint%20Presentation.pdf>. Dr. Gilbert answered questions and provided clarification for the Council members.

Along with Dr. Gilbert's PowerPoint presentation, the Council members were given a letter to Chair Isenberg from John Laird, Secretary for Natural Resources, Karen Ross, Secretary for Food and Agriculture, and Traci Stevens, Acting Secretary for Business, Transportation, and Housing. The December 14, 2011 letter (Attachment 4) expressed the agencies' continued concerns with the ESP and was posted on the Council's website at <http://www.deltacouncil.ca.gov/sites/default/files/documents/files/DPC%20Multi-Agency%20Letter%2012.14.11.pdf>.

Mike Machado thanked the peer review panel for issues that the panel raised. Mr. Machado stated that, as a result of the review, several improvements to the ESP were being made, the most important of which was strengthening the area of emergency response and evacuation planning. The revised ESP reflecting the comments from the peer review panel will be completed in January. Dr. Jeffrey Michael continued the discussion and briefed the Council on the DPC's response to the panel's review report and answered questions and provided clarification for the Council members.

Following the presentation of Agenda Item 8, Chair Isenberg asked if there were any members of the public wishing to speak.

### **Public Comment – Item 8:**

Greg Zlotnick, State and Federal Contractors Water Agency, requested to quote the State agencies' letter about the ESP, because he thought he heard a statement during the presentation of Agenda Item 8 that said the water quality standards are violated at times. Mr. Zlotnick stated the letter from the State agencies actually said that "Often water quality for Delta supplies is better than the Board's standards." Mr. Zlotnick addressed the Council's discussion with Dr. Gilbert about the costs and the benefits of conveyance improvements that mitigate the potential impacts which a large earthquake could have on through-Delta conveyance facilities. He stated that if such a failure happened during the summer, a drought, or when reserves were low in local service areas at the end of a multi-year drought, then the economic impacts to the state, including disruption of economic activities, etc., could be very significant. Mr. Zlotnick felt that the conveyance components that BDCP had been studying deal with those economic impacts, are not just for structural purposes, but also to protect against water quality impacts that the levees help guard against presently. He stated that a conveyance facility was not "a structural protection" but also a management tool to increase flexibility within the system, and would benefit all. Mr. Zlotnick's stated while he felt the ESP did a good job laying out the economic activity in the Delta, and painting a picture of the Delta, the report was more of an impact analysis and the findings in the report should not be used to evaluate specific futures or alternative options regarding the coequal goals. He felt the discussion also pointed out what he had been saying regarding the need to begin prioritizing the Delta levees. Mr. Zlotnick requested clarification from Dr. Gilbert on the second recommendation regarding the Council's role in analyzing the cost of water supply reliability improvements. Dr. Gilbert returned to the table to clarify the recommendation and stated the costs will be borne by the state, federal government and locals and that there needs to be a comprehensive analysis to understand the costs and the benefits to all these entities. The cost benefit analysis of water supply reliability was meant to be statewide, not just the water supply in the Delta, and the recommendation was that the State of California would possibly pay to improve the water supply reliability and would also benefit from the impacts of the improved water supply reliability.

Pete Kutas, Delta Counties Coalition, wanted to offer the Council advice it could take into account when considering the ESP for inclusion into the Delta Plan, in light of the letter sent by the cabinet secretaries (Attachment 4). Mr. Kutas stated the cabinet secretaries have a seat on the DPC. He was outraged by the letter that was delivered after a lengthy process by a Commission to adopt a plan, and to have three members of that Commission who were present at the DPC meeting but abstained from the vote. The Delta interests attending the meeting could have discussed them from their perspective. Mr. Kutas cited the 2009 reform legislation that changed the makeup of the DPC (11 members who are not from state agencies and 4 state agency seats) and stated the statute that said the ESP would be adopted after discussion and with a majority vote. Mr. Kutas said if the process was going to be respected and if trust was going to be developed in moving through the Delta Plan in next 100 years of implementation, he felt letters like this gave the state agencies a different seat than the seat that had been afforded them on the Commission. He requested that the Council give the letter little weight in its deliberations on the ESP because the deliberations on the ESP took place at publically noticed DPC meetings with a good faith effort to do peer review, etc. He believed the ESP should be the document that is given weight. Mr. Kutas stated there seemed to be a "disconnect" with regard to sustainability in the Delta and that the Delta Counties would like to have a seat at the table for discussions on cost-sharing ratios.

## **9. Public Comment**

There were no members of the public wishing to make general public comment. Chair Isenberg recessed the meeting for lunch at 12:30.

## **10. Public Hearing on the Draft EIR**

At 1:00 p.m., the Public Hearing to take oral comments on the Delta Plan Draft EIR began. Chair Isenberg requested Mr. Stevens give an overview of the EIR and its process. Mr. Stevens explained the Draft EIR was released on November 4 and was now being circulated for public review and comment. A court reporter was available to transcribe the oral comments from members of the public for inclusion in the EIR formal public record.

Oral comment on the Delta Plan Draft EIR was provided by: David Nesmith, California Environmental Water Caucus; Nicky Suard, Snug Harbor Resorts, LLC; and William Brooks.

Following testimony from all those in the audience wishing to provide comments, the public hearing recessed in place at 1:27 p.m. with the option to reconvene if additional commentators arrived prior to the stated 4:30 adjournment time. The court reporter, staff and several Council members (Isenberg, Gray, Marcus and Nottoli) remained at the hearing location.

At 4:00 p.m., Chair Isenberg reconvened the hearing solely for the purpose of stating on the record that no additional commentators had arrived and the hearing would recess again (4:01 p.m.) and reconvene if any members of the public arrived to comment. Finally, at 4:28 p.m., the hearing was reconvened and Chair Isenberg stated the hearing would adjourn in two minutes (the stated adjournment time) if there was no additional testimony. Staff and the Council waited the two remaining minutes and no members of the public appeared to comment.

**The meeting was adjourned at 4:30 p.m.**