

**DELTA STEWARDSHIP COUNCIL**  
**May 24, 2012**  
**Ramada Inn and Suites**  
**1250 Halyard Drive**  
**West Sacramento, California**

**REVISED MEETING SUMMARY**

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***Thursday, May 24, 2012, 9:00 a.m. – 5:30 p.m.***

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

The meeting was called to order at 9:05 a.m., May 24, 2012, by Chair Phillip Isenberg.

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. The following member was absent: Felicia Marcus

Chair Isenberg announced the schedule for the meeting had been rearranged due to unavoidable conflicts of Members Johnston and Nottoli. In order to allow them to attend the closed session that had been previously noticed for 9:00 a.m., it was moved to 10:30 a.m. The revised agenda detailing the rearrangement of agenda items was posted on the Council website.

**2. Chair's Report**

Chair Isenberg provided the members with a copy of the speech he presented to the Mother Lode Chapter of the Sierra Club on May 6, 2012, in Sacramento entitled, "What we want to hear, compared to what we need to know about Water and the Delta". He also noted that the Council members had been given a copy of the UCD Law Review containing "Symposium – the Public Trust Doctrine: 30 Years Later". Subscriptions for the Law Review can be obtained at <http://lawreview.law.ucdavis.edu> and back issues at <http://heinonline.org>. Chair Isenberg announced that the Little Hoover Commission recommended approval of the Governor's Reorganization Plan, but with a recommendation that concurrent legislation be enacted preserving independence of the Council. He noted that Curt Miller would discuss the hearing and process during the Legislative Update.

**3. Executive Officer's Report (Information Item)**

**a. Legislative and Legal Update**

Mr. Miller reported on the Little Hoover Commission hearings process. Mr. Miller stated that there had not been much activity on legislation. He stated a new bill was introduced last week by Congressman John Garamendi regarding Levee Vegetation

Requirement. The Levee Vegetation Review Act would require the Army Corps of Engineers to adopt a Regional Variance policy instead of the current all-encompassing national policy for vegetation on levees.

Mr. Miller briefly discussed the budget situation and stated the “May Revise” showed a \$16 billion deficit, however the Council’s budget item remained intact. The possibility of a new state employee work week requirement that the Governor has proposed was briefly discussed. Mr. Grindstaff stated that if it becomes mandatory to close for business on Fridays, as the Governor proposed, he would come back to the Council to discuss how the Council would operate (since it currently holds many of its meetings on Fridays).

The Legal Update was presented by Chris Stevens. Mr. Stevens announced a new legal intern would be joining the Council on June 4th. The intern is from McGeorge School of Law and versed in Delta related water issues. Next Mr. Stevens made brief remarks on a suit filed by Department of Fish and Game in Federal Court regarding the Army Corps of Engineers’ levee policy; a suit filed by the Chico Water Alliance regarding water transfers from Butte County; and a suit filed against the Federal government by the California Commercial Fisherman regarding the renewals of “interim” water contracts. Mr. Stevens updated the Council on the settlement of a lawsuit that had been filed against FEMA by the Coalition of a Sustainable Delta. The suit alleged that the FEMA and Flood Insurance Program fostered urban growth into flood prone areas as the expense of habitat needed for recovery of listed fish species.

#### **b. Update on Comment Letters from DSC to other Agencies – Sacramento-San Joaquin Delta Strategic Plan (Public Resources Code §32376)**

Mr. Grindstaff brought to the Council’s attention the comment letter to the Sacramento-San Joaquin Delta Conservancy’s Strategic Plan which was a carryover item from the April 26<sup>th</sup> Council meeting because it had not been completed. The letter that was mailed to the Conservancy on May 17, 2012 focused on the Conservancy’s scoping process and offered comments on the Strategic Plan.

#### **4. Adoption of April 26, 2012 Meeting Summary (Action Item)**

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or the public about the April 26, 2012, Meeting Summary. Chair Isenberg requested three modifications to the meeting summary – modify wording in Agenda Item 3, Chair’s Report (change “proposal” to “reorganization plan” in the third sentence), correct the spelling of Tjalling Vlieg’s name in Agenda Item 7a, and in Agenda Item 8, Delta Plan, indicate whether or not a motion was made and a vote taken in the review of the policies and recommendations.

Chair Isenberg asked if there were any other questions or comments and, as there were none, it was moved (Fiorini) and seconded (Nordhoff) to approve the April 26, 2012 meeting summary as amended. A vote was taken (4/0: Nordhoff, Gray, Fiorini, Isenberg) and the motion adopted.

The revised meeting summary was posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_6\\_Revised\\_Meeting\\_Summary.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_6_Revised_Meeting_Summary.pdf)

## **5. Delta Science Program**

### **a. Delta Lead Scientist's Report (Water Code §85280)**

Agenda Item 5a, Delta Lead Scientist's Report was not discussed nor were there any written materials due to Dr. Goodwin's absence because of the passing of his mother. The Lead Scientist's Report is scheduled for the June 28-29 meeting, according to Chair Isenberg.

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

### **a. Chair's Report**

The Delta Independent Science Board Chair's Report was presented by Dr. Richard Norgaard, who briefed the Council on the Delta ISB's May meetings that included presentations on the Bay Delta Conservation Plan's adaptive management program, the Delta Science Program's Independent Scientific Review Panel on the BDCP Effects Analysis and an update on the Interagency Ecological Program's workshop. Dr. Norgaard discussed the memo from the DISB to the Council regarding the National Research Council Report, Sustainable Water and Environmental Management in the California Bay-Delta (Attachment 1) and stated the DISB was impressed with the NRC's report.

Next, Dr. Norgaard discussed the memo from the DISB to Les Grober of the State Water Resources Control Board, prepared in response to questions posed by Mr. Grober to the DISB about Phase 1: Southern Delta Salinity and San Joaquin River Flow Objectives (Attachment 2). The Work Plan (Attachment 3) that will be used to guide the DISB's activities over the next year was also discussed. Dr. Norgaard stated that modifications to the timeline would be made, such as adding dates and identifying the products indicated on the timeline.

Lastly, due to Dr. Norgaard's absence at the March 15-16, 2012 Council meeting, two memos that were included in the March meeting materials were presented – one, to legislators that explained the need for stable funding for the Delta Science Program and the other to the Council that presented key findings from the DISB meetings of October 20-21 and December 1-2 (Attachments 4 and 5.)

Throughout the DISB Chair's Report, Dr. Norgaard answered Council members' questions and provided clarification.

## **Public Comment on Agenda Item 6a:**

None.

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

- a. Discuss Pending Retirement of Executive Officer**
- b. Recruitment Process for Replacement of Executive Officer**

At 9:55 a.m., the regular Council meeting recessed. The Closed Session was opened at 10:37 a.m. with Chair Isenberg presiding. The Closed Session adjourned at 11:32 a.m.

## **8. Reconvene Open Session**

The Council Meeting Open Session was reconvened at 11:34 a.m. Chair Isenberg announced the Council has accepted, with regret and appreciation, the retirement of the Executive Officer, Joe Grindstaff and in addition the following motions were approved by the Council by unanimous vote:

- Direct Council staff to begin the recruitment process by contracting with Cooperative Professional Services (CPS) for assistance in the search for a new Executive Officer for the Council. The cost of the contract will not exceed \$25,000.
- Establishment of a “Recruitment Committee” (Chair Isenberg and Vice Chair Fiorini) to work with Council staff and the contractor on the recruitment and selection process for the new Executive Officer.
- Direct Council staff to include regular Closed Sessions on future Council meetings agendas beginning with the June 14<sup>th</sup> meeting
- Direct Council staff to set up a process for making performance objectives and periodic evaluations of the new Executive Officer once hired.

The Council recessed for lunch at 11:38 a.m. and reconvened the regular Council meeting at 12:40 p.m.

## **9. Delta Plan (Water Code §85300 (a)) (Information Item)**

### **a. Review of Sixth Staff Draft Delta Plan**

Mr. Grindstaff opened the discussion of Agenda Item 9 by giving an overview of the final draft and commending staff on its development. The Final Draft Delta Plan (Attachment 1) is posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/DeltaPlan\\_05-14-2012.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/DeltaPlan_05-14-2012.pdf)

Mr. Grindstaff was joined by Dan Ray, Cindy Messer, and Jessica Pearson, all of whom heard Council members' comments and answered questions and provided clarification throughout the discussion. Mr. Grindstaff briefly described the changes that occurred from the last draft to the Final Draft Delta Plan (Attachment 2) and stated the Draft Delta Plan contained 14 policies and 68 recommendations.

Next, Cindy Messer discussed the process and next steps. Ms. Messer stated the 30-day public comment period on the final staff draft Delta Plan began May 14 and in order for comments to be considered for incorporation into the final plan, public comments would have to be received by Wednesday, June 13, 2012. Ms. Messer stated at the June 14-15 Council meeting, public comments on the Final Staff Draft will be received and the Final Draft would be discussed in detail. Staff will then revise the Final Staff Draft, based on Council direction, and any final changes will be brought to the Council for approval at its June 28-29 meeting. Changes to the final staff draft Delta Plan, approved by the Council at the second June meeting will serve as the basis for recirculating a supplement to the final Environmental Impact Report and the OAL and APA processes will begin. Staff anticipates the Delta Plan to be adopted in November or December after certifying the Final EIR, and the regulatory policies become effective in January or February 2013.

Following the discussion of the Delta Plan, the Chair Isenberg offered the following recommendations:

1. It was moved (Isenberg) and seconded (Gray) to direct staff to prepare a redline version of final staff draft Delta Plan noting the Council directed changes in the plan for the review by the Council and public. A vote was taken (6/0: Nordhoff, Johnston, Gray, Fiorini, Isenberg, Nottoli) and the motion was adopted.
2. It was moved (Isenberg) and seconded (Gray) to direct staff to prepare a list of Council Actions that reflect (and record) the changes the Council request. A vote was taken (6/0: Nordhoff, Johnston, Gray, Fiorini, Isenberg, Nottoli) and the motion adopted.  
[http://deltacouncil.ca.gov/sites/default/files/documents/files/Open\\_Items\\_6-13-12\\_Final.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Open_Items_6-13-12_Final.pdf)
3. By Council concurrence, staff was directed to submit an errata page on the technical changes in the Plan.  
[http://deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_9\\_Attach\\_Substantive\\_Staff\\_Changes\\_Matrix%2006082012\\_Council%20Mtg.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_Attach_Substantive_Staff_Changes_Matrix%2006082012_Council%20Mtg.pdf)

Before hearing Public Comment, the Council discussed the Executive Summary and Chapter 1. However, the entire Delta Plan is scheduled to be discussed, in-depth, chapter by chapter at the June 14-15 meeting, where at that time staff will hear Council Members' comments and provide clarification as well as hearing public comment on each chapter. It was suggested that the finance chapter should receive extra attention and possibly panelists to address it at the next meeting.

## **10. Public Comment**

Chair Isenberg asked if there were any members of the public wishing to address the Council and comments were provided by:

Ann Spaulding, City of Antioch, commented on Chapters 1, 3 and 6. Ms. Spaulding stated she was pleased to see the language that had been included on historical flows. Ms. Spaulding requested clarification of several issues in the chapters.

Greg Zlotnick, State and Federal Contractors Water Agency, requested clarification as to if there would be a chance to comment on Chapter 1 at the June meeting.

Rob Wainwright, commented on Figure 1-3, the map on page 19. Mr. Wainwright stated he felt the map was great as it summarized where potential conflicts and critical impacts may occur.

Barry Nelson, National Resources Defense Council, offered recommendations and suggestions and requested clarification on Chapters 3 and 4. Chair Isenberg requested and Mr. Nelson agreed to provide his comments in writing regarding Delta exports and delivery reliability, the need for additional storage, habitat restoration and Delta flows.

Greg Zlotnick, State and Federal Contractors Water Agency, commented on the concept throughout the document regarding matching supply and demand. He felt the intent was to address the notion of scarcity and suggested alternative language that he stated he would submit to the Council in writing.

**11. 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 – June 14-15, 2012, at the Holiday Inn Capitol Plaza**

**The meeting was adjourned at 3:35 p.m.**