

DRAFT 5/2/2011 – SUBJECT TO CHANGE
For Review and Adoption by DSC at 6/23-24/2011 Meeting
DELTA STEWARDSHIP COUNCIL
May 12-13, 2011
West Sacramento City Hall Galleria
1110 West Capitol, Avenue, West Sacramento, California

MEETING SUMMARY

DAY 1: Thursday, May 12, 2011, 9:00 a.m. – 5:00 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., May 12, 2011, 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 for the meeting: Hank Nordhoff, Patrick Johnston, Gloria Gray, Felicia Marcus, Randy Fiorini, Phillip Isenberg, and Don Nottoli (arrived just before noon).

Chair Isenberg updated the Council on the trip to Washington, DC, when he, along with Felicia Marcus and Senior Policy Advisor Martha Davis, met with staff of the congressional offices - both House and Senate - and the Council on Environmental Quality. Next, Joe Grindstaff described the schedule for the next two days. He stated that the day would begin with a panel presentation from representatives of several cities located within the Delta. Following the panel discussion, the plan was to move into the continued review of the 3rd Draft Delta Plan, Chapter 7, Chapter 8, and Chapter 9.

3. Focused Panel Discussion Third Draft of Delta Plan

3a. Cities: Tracy, Antioch, Stockton

Mike Harty introduced the agenda item by explaining that representatives from the Delta cities had been invited to participate in a focused panel discussion on the priorities to be addressed in a Delta Plan. The Council identified several questions that they believed had potential significance for development of a Delta Plan. Each panelist considered the questions and their city's interests in preparation for the discussion. The panelists introduced themselves. In attendance were: Phil Harrington, Water Rights and Public Improvement Director for the City of Antioch; Leon Churchill, City Manager and Steve Bayley, Deputy Director for Public Works both from the City of Tracy; and Mayor Ann Johnston and John Luberg, Attorney for City of Stockton. Harty stated the cities of Oakley, Isleton, Manteca, Elk Grove, Pittsburg, Brentwood, and Lathrop had also been invited but they were unable to attend. The Council members heard the presentations and participated in discussions with the city representatives

Mayor Johnston began the discussion by noting the City of Stockton's statistics – most importantly that Stockton is the largest urban area in the middle of the Delta. She went on to describe how the city saw itself in the Delta Plan. Mayor Johnston stated the citizens of Stockton are committed to providing adequate levels flood protection and they have taxed themselves for levee improvements bringing the urban area up to 100 year standards. Stockton also has no planned developments that are not protected. Mayor Johnston discussed the challenges of the city and the city's general plan and their mandate of developing within the urban core. The mayor urged the Council to be in an advisory rather than a regulatory role. The written comments presented by Mayor Johnston are posted at

<http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item3a%20City%20of%20Stockton.pdf>

Leon Churchill and Steve Bayley, from the city of Tracy described the goals the city has already met. They gave an overview of Tracy's statistics, and presented a PowerPoint, posted at <http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item%203a%20City%20of%20Tracy.pdf> Churchill stated that Tracy's growth has been planned away from the floodplain and any growth in the floodplain has been recreational or planned open space. Mr. Churchill further stated that Tracy supports a Southern San Joaquin floodplain. Mr. Bayley discussed the water supply for the city, stating it is diverse and reliable, having four water supplies.

Phil Harrington, from the city of Antioch, also began with the city statistics posted here at <http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item%203a%20City%20of%20Antioch.pdf> He stated that the city is concerned with water rights, water supply, and water quality. The city feels they are outside any flood risk. Harrington also spoke on the concern and the problem Antioch is having with maintenance of the facilities and having the means (regulatory and staffing) to maintain them because of permitting, etc. Harrington discussed the definition of "covered actions" under the Delta Reform Act and how it may affect local development. Harrington also discussed the definitions of natural and historical flows. Harrington presented written comments from the city of Brentwood and Oakley, posted at <http://www.deltacouncil.ca.gov/public-comments/read/195>

Following Agenda Item 3 and before beginning Agenda Item 4, the discussion on the remaining chapters of the draft Delta Plan agenda item, Joe Grindstaff reviewed the schedule for the release of the next draft and also discussed the possibility of revising the meeting schedule. Grindstaff stated the 4th staff draft will be released June 13. Council Member Marcus suggested a one-day meeting for the Council to reflect on some of the key issues and a general overview of the 4th staff draft. Staff suggested that the May 26-27 meeting should be cancelled and to poll the members for 1-day meeting for either June 14, 15, 16, or 17. The location would be determined. Then the regular meeting would be held on June 23-24 in West Sacramento. Grindstaff said he would have staff begin working on the revised schedule and hoped to bring it to the Council on Friday, if approved.

It was moved (Marcus) and seconded (Gray) to revise the schedule and add a one-day meeting the week of June 13. A vote was taken (6/0) and the motion passed.

Public comment on the revised schedule was provided by:

Pete Kutras, Delta Counties Coalition, supported revised schedule and requested revised schedule in writing.

Jonas Minton, Planning and Conservation League, stated he agreed with Council Members Marcus and Gray. He also stated it was not clear to him that the Council had a full plan, yet, and that the Council had agreed on the full plan. Minton also stated the Council had a record of being open and transparent. He suggested that future processes incorporate the same openness and transparency because it has been the Council's hallmark.

Valerie Kincaid, San Joaquin River Group, supported the proposed schedule change and stated she felt the 4th staff draft should be in tip-top shape for a framework discussion.

4. Delta Plan Development (Note: This item was continued on Friday)

The third staff draft of the Delta Plan was posted on the Council website Friday, April 22, 2011. At the April 28-29 meeting, the Council reviewed the draft Plan and heard public comment through Chapter 4. Unable to complete the review of the draft, the remaining chapters were held over to this meeting. Consultant Gwen Buchholz and Terry Macaulay began by reviewing with the Council where they left off at the last meeting and began the discussion by introducing the remaining chapters that were covered at this meeting, setting the context for discussion. The discussion on Chapter 7, "Reduce Risk to People, Property and State Interests in the Delta" was

led by Gwen Buchholz and Eric Nichol; Chapter 8, "Protect and Enhance the Unique, Cultural, Recreational, Natural Resources and Agriculture Values of the California Delta as an Evolving Place" was presented by Gwen Buchholz; and Chapter 9, "Finance Plan Framework to Support Coequal Goals" was presented by Eric Nichol and Allan Highstreet.

Following the discussions on each chapter, Chair Isenberg called for public comment (there was no public comment on Chapter 8). The Council recessed for lunch at 12:50 p.m. and returned at 1:20 p.m. The Council's discussions concluded for the day at the Funding Source section of the Chapter 9 (page 113).

Public Comments - Chapter 7:

Jessica Ludy, American Rivers, commented on the flooding in the Midwest and the Corp of Engineers' actions of cutting reliefs (breaching levees) - highlighting the need for designing new bypass areas and expanding the design of floodways to reduce risk and restore the ecosystem. She used the lower San Joaquin River flood bypass area as an example.

Jim Verboon, stated he would submit written comments and make comments on water rights and water supply. Verboon felt water rights need to be more clearly defined. Verboon's comments are posted at

http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Jim_Verboon_051311.pdf

Eric Ringleberg, Local Agencies of the North Delta, commented on problem statements, Levee Design Criteria and several other comments on each section of Chapter 7 such as using alternative language for flood plain such as flood way, and other suggested alternative language on Table 7-1, etc. Ringleberg stated he will submit written comments.

Tom Zuckerman, Central Delta Water Agency, submitted written comments, posted at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Thomas_Zuckerman_051111.pdf

Mark Rentz, Association of California Water Agencies, commented that the discussion was absent regarding impacts of climate change on hydrologic cycle both in terms of pulse incidence (e.g., flood incident) and alternatives to water movement in the annual hydrologic cycle.

Paul Gilbert-Snyder, East Bay Municipal Utilities District made comments on the financing of local management activities and stated that EBMUD supports the concept of creating a flood assessment district and felt that all the Delta beneficiaries should participate in the maintenance of the levees. Gilbert-Snyder also suggested language changes on this chapter (RR R6).

Public Comments – Chapter 8:

None

Public Comments – Chapter 9:

Anson Moran, Delta Wetlands, felt the White Papers should be incorporated in the plan and made comments on consistency determinations/balancing standards. Written comments have been submitted at

http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Delta_Wetlands_050611.pdf

Joone Lopez, Calaveras County Water District, commented regarding financing and the lack of funds and felt the crisis would result from not being able to fund capital improvements on infrastructure.

Pete Kutras, Delta Counties Coalition, commented on the BDCP's role, letter and discussions and felt the plan should not take any positions regarding BDCP but should let BDCP play out.

Linda Dorn, Sacramento Regional County Sanitation District, had comments on the Finance Plan – Other Stressor Fees. Dorn urged the Council to read the comments received and recommended in the next draft, to place finance at the end and do a complete Council discussion. Written comments have been submitted

http://www.deltacouncil.ca.gov/sites/default/files/documents/files/SRCSD_050611.pdf

Paul Gilbert-Snyder, East Bay Municipal Utilities District, stated written comments have been submitted http://www.deltacouncil.ca.gov/sites/default/files/documents/files/EBMUD_050611.pdf and had suggested language changes for several lines in the chapter.

Mark Rentz, Association of California Water Agencies, stated that examples were needed of how to implement “stressor fees”, how to determine, how other regulatory schemes, interplay, etc. Rentz stated that public water agencies already have the authority to adjust rates to meet local needs. He also offered suggested language for FP R7 and FP R10 and stated he felt it was critical for the Council to consider a deliberation approach regarding fees.

5. Public Comment

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

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

DAY 2: Friday, May 13, 2011, 9:00 a.m. – 4:30 p.m.

6. Call to Order

The meeting resumed at 9:00 a.m., with Chair Isenberg presiding.

7. 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: Hank Nordhoff, Patrick Johnston, Gloria Gray, Felicia Marcus, Randy Fiorini, Phillip Isenberg, and Don Nottoli.

Following the roll call, Chair Isenberg announced the change in meeting schedule, approved by the Council the previous day. The Council directed staff to cancel the May 26-27 meeting, add a one-day meeting to be held on June 16, 2011, at the West Sacramento Community Center and confirmed the June 24-25 Council meeting that is scheduled at the West Sacramento City Hall Galleria. Chair Isenberg also directed staff to post the new schedule on the Council's website that day, as soon as possible.

8. Delta Plan Development (Continuation of Agenda Item 4)

Joe Grindstaff discussed the schedule for the day. He was joined by Terry Macaulay and Gwen Buchholz for the discussion of the remaining chapters, and after an in-depth discussion of each chapter, where the Council requested clarification, offered comments and suggested language changes. Following the discussion of each chapter, public comment was heard.

Chapter 5, "Restore the Delta Ecosystem," was led by Cliff Dahm, Lauren Hastings, Anke Mueller-Solger, Dave Zezulak and Chris Enright. Chapter 6, "Improve Water Quality to Protect Human Health and the Environment" was presented by Cliff Dahm and Sam Harader.

The Council recessed for lunch at 11:55 a.m. and returned at 12:30 p.m.

Public Comments - Chapter 5:

Valerie Kincaid, San Joaquin River Group, submitted written comments http://www.deltacouncil.ca.gov/sites/default/files/documents/files/SJRGA_050611.pdf Kincaid also offered suggestions for the chapter such as replacing headings with headings that are stressors, commented on flow regime, suggested using regulatory language in the chapter.

Maureen Martin, Contra Costa Water District, provided the Council, as a follow-up from a conversation she heard yesterday regarding salinity variability, with a report highlighting "Historical Freshwater & Salinity Conditions in the Western Sacramento-San Joaquin Delta and Suisun Bay". Martin stated the document contained highlights of the CCWD's technical review. The report is available at www.ccwater.com/salt.asp

Connie Ford, Sacramento County Water Resources, stated policies need to be correlated with possible performance measures and strategies that can be implemented under the guidance of the Delta Conservancy as the lead agency. She recommended that other State and federal agencies sign agreements that provide streamlined permitting processes for activities with ecological benefits (impacts). She recommended that funding for these activities be managed into correlating benefit programs, possibly using mitigation banking concepts, possibly using legacy clean-up programs, etc.

Ryan Bezerra, Bartkiewicz, Kronick & Shanahan, stated he appreciated the morning's discussion but felt the recommendation concerning natural flow regime is vague and shouldn't be included.

Leo Winternitz, The Nature Conservancy, stated the ecosystem needs a **more** natural flow regime.

Rob Wainwright, commented on ER P 3 and 5 exhibits. Wainwright suggested updating the exhibit so it showed current land use. He also requested clarification regarding land use decisions, the Delta Plan and general plan a city may have in place.

Mark Rentz, Association of California Water Agencies, stated the recommendations reflect an excellent strategic approach that is critical to success of the Delta Plan, citing ER R1, ER R2, ER R4. Rentz agreed with members Fiorini and Nordhoff's suggestions that look at flow as a suite of stressors. By doing so, Rentz felt that it presents an opportunity to look at integrated solutions (multi-, co-dependent options) as opposed to actions that treat stressors independent of each other. He felt that regardless of the report's structure, it should avoid a silo/isolation approach and promote an integration approach and open up new avenues and opportunities for solutions. Rentz suggested keeping "flow" in both the Water Resources/Reliability and Ecosystem Restoration chapters recognizing that flow is a cornerstone to achieving both.

Public Comments - Chapter 6:

Linda Dorn, SRCSD, commented on water quality salinity, stating that they will submit written comments and look forward to the next version. Dorn felt the recommendations would be given a lot of weight even if they are not policies.

10. Discussion on Delta Plan EIR Alternatives

Chris Stevens introduced Jim Andrew, Deputy Attorney General, California Department of Justice and Ellen Garber, Shute, Milhaly, and Weinberger, in the discussion of Agenda Item 10. Andrew presented a PowerPoint Presentation, "Conceptual Alternatives in Delta Plain EIR in Accordance with CEQA Guidelines" and he and Buchholz discussed the chart included in the binder, "Summary of Conceptual Delta Plan EIR Alternatives." Following the discussion with the Council, where the presenters provided clarification and heard suggestions, Chair Isenberg called for public comment.

Public Comment was provided by:

Pete Kutras, Delta Counties Coalition, commented on the EIR alternatives. Kutras requested clarification on the process. He wanted to know if the June 16th meeting, the framework discussion on the 4th staff draft, would be a discussion about the EIR Alternatives take place. He was concerned about Andrew's use of the phrase "promote conveyance" and suggested that having a more reliable or improved water supply does not leap to "promote."

Mark Rentz, Association of California Water Agencies, requested clarification from the Council on 1) range of alternative and 2) relationship between Delta Plan & BDCP.

11. Public Comment

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

12. 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 16, 2011 and will be held at the West Sacramento Community Center.

The meeting adjourned at 4:15 p.m.