

**--REVISED--**  
**DRAFT 4/30/12 – SUBJECT TO CHANGE**  
**For Review and Adoption by DSC at May 24, 2012 Meeting**  
**DELTA STEWARDSHIP COUNCIL**  
**April 26, 2012**  
**Ramada Inn and Suites**  
**1250 Halyard Drive**  
**West Sacramento, California**

**MEETING SUMMARY**

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***Thursday, April 26, 2012, 9:00 a.m. – 5:30 p.m.***

**1. Welcome and Introductions**

The meeting was called to order at 9:02 a.m., April 26, 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: Hank Nordhoff, Patrick Johnston, Gloria Gray, Felicia Marcus, Randy Fiorini, Phillip Isenberg, and Don Nottoli.

**3. Chair's Report**

Chair Isenberg briefed the Council on his testimony given at the Little Hoover Commission (LHC) hearing held on Wednesday, April 25, 2012. Chair Isenberg explained that on March 30, 2012 Governor Brown forwarded a reorganization plan to the Little Hoover Commission for review that includes a proposal to merge the Council with the Natural Resources Agency. The Little Hoover Commission has a statutory role in the process and held three days of hearings on the reorganization plan. The LHC has 30 days to respond to the proposal once the Governor submits the plan to the Legislature. However, if one house, by an affirmative vote says no, the plan is rejected. Chair Isenberg briefly discussed the history of reviews on CALFED and the Bay-Delta Authority previously done by the LHC. In addition to Chair Isenberg, Secretary Laird Senator Simitian, Tom Zuckerman, Barry Nelson, and Charles Gardiner provided testimony. A letter was provided to the Council members dated April 23, 2012, to Mr. Daniel W. Hancock, Chairman of the Little Hoover Commission, from Chair Isenberg and Vice Chair Fiorini opposing the proposed merger. The letter is posted on the Council website at <http://deltacouncil.ca.gov/sites/default/files/documents/files/HancockLHCLter.pdf>;

Chair Isenberg answered Council members' questions and provided clarification on the Little Hoover Commission hearing. Lastly, Chair Isenberg provided the members with a brochure developed by the Council's Executive Fellow, Aaron Farber, and was used at the California Water Law and Policy Conference. The booklet entitled "Facts and

Information on California's Water and Environmental Debates" provided information on a wide range of water issues facing California with a particular focus on the Delta. The brochure is posted on the Council website at

<http://deltacouncil.ca.gov/sites/default/files/documents/files/Water%20primer%20review%20draft7.pdf>

#### **4. Executive Officer's Report (Information Item)**

##### **a. Legislative and Legal Update**

Curt Miller began the Legislative Update by wrapping up the discussion on the Little Hoover Commission hearing and its process. Following the discussion on the Little Hoover Commission, Mr. Miller directed the Councils' attention to two letters regarding legislation of concern to the Council that were co-signed by Chair Isenberg and Vice Chair Fiorini on behalf of the Council. The first letter, dated April 23, 2012 regarding A.B. 1871 (Logue), opposed the legislation because it would prohibit the Council from adopting the Delta Plan until the Bay Delta Conservation Plan was completed. The other letter opposed Section 3 of A.B. 2000 (Huber). Mr. Miller stated the bill had several features, mostly related to the Department of Water Resources. But Section 3 of the legislation included a proposal to replace two members of the Council with two members from the Delta Protection Commission – the Vice-Chairperson and a member of the Commission chosen by a majority vote of the Commission. Mr. Miller also updated the Council on the progress of SB 2421 (Wolk) and stated he will continue to watch it. He briefly discussed the May Revision and the deficit the State was facing as well as the funding for limited-term positions in the Science Program. Mr. Miller answered Council members' questions and provided clarification

There was no Legal Update at the April 26 meeting. However, Chris Stevens requested Chair Isenberg take Agenda Item 8a out of order for a follow-up report on the Draft Environmental Impact Report (EIR). Without objection from the Council, Mr. Stevens proceeded to introduce Gwen Buchholz for an update on the EIR process and the major comments from the EIR process related solely to the Delta Plan (as opposed to comments on how the EIR was prepared). Working from Item 8a Attachment 1, Summary of Major Delta Plan Comments Received in Comment Letters on the Delta Plan EIR, Ms. Buchholz described how the table was set up into fifteen categories that included the major themes, number of comments and the commenters. Ms. Buchholz explained the difference between EIR comments and comments received during the EIR process, but really on the Delta Plan. She stated that she did not believe that any new issues were raised in the EIR process solely with regard to the Delta Plan, that hadn't already been raised in comments directly on the Delta Plan. Mr. Stevens briefly discussed the possibility of recirculation of the EIR and the process. Mr. Stevens and Ms. Buchholz answered Council members' questions and provided clarification.

## **b. Update on Comment Letters/Response to Comments - Bay Delta Conservation Plan; State Water Resources Control Board; and Central Valley Flood Protection Plan; and Sacramento-San Joaquin Delta Conservancy Strategic Plan**

Joe Grindstaff discussed the three comment letters that had been sent and provided to the Council. The first was the Preliminary "Responsible" Agency Comments on the BDCP Administrative Draft Environmental Impact Report/Environmental Impact statement. Mr. Grindstaff discussed the concept of staged implantation. He felt it was important to discuss the concept and people's concern of the concept for the record. Second was Comments on the January 24, 2012 Supplemental Notice for Preparation for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Finally was Comments on the Draft Central Valley Flood Protection Plan. The comment letter for the Sacramento-San Joaquin Conservancy Strategic Plan was not discussed as the letter had not been completed in time to be included in the meeting materials. But it would be completed in the next week and will be brought back to the Council at the May meeting. Mr. Grindstaff heard Council members' comments, answered questions and provided clarification.

## **5. Adoption of March 29-30, 2012 Meeting Summary (Action Item)**

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or the public about the March 29-30, 2012, Meeting Summary. Chair Isenberg requested two modifications to the meeting summary. First, the addition of the bill number for Senator La Malfa's legislation (S.B. 1340) that was referenced in the Legislative Update, (pg. 2, paragraph 1); Second, to delete the bullets points on page 7 of the summary. Staff will make the requested changes. There were also two requests from commenters that their testimony be revised. Chair Isenberg stated that rather than changing the meeting summaries, the written comments that were submitted would be noted and posted with correspondence on the Council website with the links to the comments included in the meeting summary. Osha Meserve's email regarding her comment on behalf of Local Agencies of the North Delta, was posted at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Meserve\\_042512.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Meserve_042512.pdf) and Brenda Burman's email regarding her comment on behalf of Metropolitan Water District of Southern California, was posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Burman\\_042512.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Burman_042512.pdf)

Chair Isenberg asked if there were any other questions or comments and as there were none, it was moved (Johnston) and seconded (Marcus) to approve the April 26, 2012 meeting summary as amended. A vote was taken (7/0: Nordhoff, Johnston, Gray, Marcus, Fiorini, Isenberg, Nottoli) and the motion adopted.

The revised meeting summary was posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Revised%20Item\\_5\\_Meeting\\_Summary\\_0.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Revised%20Item_5_Meeting_Summary_0.pdf)

## **6. Approval of Legal Contract (Action Item)**

Chris Stevens briefed the members on Agenda Item 6, an Action Item, which requested the Council to direct the Executive Officer to execute a new three-year agreement with the Department of Justice (DOJ) to continue to provide legal services to the Delta Stewardship Council. Mr. Stevens explained the long standing relationship with the DOJ as well as the legal services provided by the DOJ. Chair Isenberg asked about the funding of the agreement and Mr. Grindstaff confirmed the funding for the legal services were included in the Council budget for the current year as well as the proposed budget for the next year.

Chair Isenberg asked if there were any questions or comments and as there were none, it was moved (Johnston) and seconded (Marcus) to direct the Executive Officer to execute a new three-year agreement with the DOJ to continue to provide legal services to the DSC. A vote was taken (7/0: Nordhoff, Johnston, Gray, Marcus, Fiorini, Isenberg, Nottoli) and the motion adopted.

## **7. Delta Science Program (Action Item)**

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

Chris Enright, Senior Water Resources Engineer, P.E. with the Delta Science Program began the Lead Scientist's Report by introducing two Dutch graduate students that the Delta Science Program is hosting for three months beginning April 23. The arrangement arose from Chair Isenberg's visit to the Netherlands in 2009 for the International Conference on Delta and Coastal Development. In March 2010, Chair Isenberg met with the Dutch Consul General in San Francisco, where the idea of the DSC hosting Dutch graduate students interested in water and science policy was initiated.

Tjalling Vlieg holds a bachelor's degree in Integrated Water Management from Wageningen University, Netherlands. He is currently a graduate student working on his Masters of Science degree in International Land and Water Management. He is being mentored by Mr. Enright and Lindsay Correa while in California.

Toon van den Huevel holds a degree in Chemical Engineering from Wageningen University, Netherlands. He is now a graduate student working on his Masters of Science degree in Environmental Science. He is being mentored by Sam Harader and Anke Mueller-Solger while in California.

Following the introduction of the graduate students, Dr. Peter Goodwin continued the Lead Scientist's Report by providing an update on the 30<sup>th</sup> Annual Salmonid Restoration Conference held in Davis on April 4-7. Information on the conference is posted at <http://www.calsalmon.org/conference/30th-annual-salmonid-restoration-conference>

The California Water and Ecosystem Monitoring Forum and Annual Meeting/Interagency Ecological Program Annual Workshop, April 16-18 and April 18-20,

jointly hosted oral and poster presentations on April 18 as part of their annual meetings in Folsom, California. Information on the meeting/workshop is posted at <http://cwemf.org/Activities/annualmtg.htm> and <http://www.water.ca.gov/iep/activities/workshop.cfm>

Dr. Goodwin briefly updated the Council on the 2012 Delta Science Fellows Program. Dr. Goodwin stated the Request for Applications was released on April 9 and the application deadline in June 4, 2012. The selection of the fellows will occur during spring-summer with awards available in fall 2012.

Next, Dr. Goodwin discussed the Independent Science Panel Review of the BDCP Effects Analysis – Phase 2. Dr. Goodwin stated he believed the phased approaches to the reviews were working well. He updated the Council on the review of Phase 1 that was completed the beginning of October 2011 as well as what the panel would review during the second phase – looking at the entire chapter 5 and associated appendices exception of appendix 5e and 5g which would come later in the process.

Dr. Goodwin updated the Council on the Delta Science Program's process for developing a Delta Science Plan. Dr. Goodwin stated he will continue to update the Council on the process and framework of the Science Plan. Chair Isenberg emphasized the Council's need for a plan and felt the development of a draft plan was a high priority – possibly in the next four months. The deadline for the completion of the Delta Science Plan (a five-year plan that will be updated periodically) was established by the Council and included in the Delta Plan. Council Member Nordhoff suggested Dr. Goodwin bring a timeline for the development of the Delta Science Plan when he returns to the Council for the next update on the progress of the Delta Science Plan.

Finally, Dr. Goodwin discussed the status of the Delta Independent Science Board vacancy, formerly filled by Dr. Mike Healey. The search and recruitment for the vacancy will conclude on June 4. Dr. Goodwin stated he expects to return to the Council with a recommendation for the appointment of a new Delta ISB member at the June or July 2012 Council meeting. Information on the ISB vacancy is posted on the Council website at <http://deltacouncil.ca.gov/science-board/delta-independent-science-board>

Dr. Goodwin heard Council members' comments, answered questions and provided clarification. Following the Lead Scientist's report Chair Isenberg asked if there were any members of the public who wished to comment.

#### **Public Comment on Agenda Item 7a:**

Mark Rentz, Association of California Water Agencies, strongly supported the development of a Delta Science Plan consistent with the critical element of the Ag-Urban Coalition's Alternate Plan. Mr. Rentz echoed Council Member Nordhoff's concern about how long it would take to develop the Delta Science Plan. He stated that perhaps the Council could provide guidance as to what should appear early in the Science Plan and then look at how integration of developing strategies for looking at critical policy issues that require scientific analysis and determination could be included.

The Ag-Urban Coalition recognized the need for a robust Science Plan that would be updated regularly.

#### **b. IEP Lead Scientist's Report (Water Code §85280)**

Dr. Anke Mueller-Solger presented a PowerPoint for the IEP Update. The presentation focused on statistics for water and fish in 2011, highlights from the IEP Workshop held on April 18-20 at the Lake Natoma Inn in Folsom, and what was next for the IEP. The Workshop's emphasis was on new delta smelt and salmon monitoring and modeling tools and results. The Workshop was a three-day program that was coordinated with the California Water and Environmental Modeling Forum (CWEMF). The IEP and CWEMF held joint oral sessions on April 18. A joint poster session was held the afternoon of April 18. Dr. Mueller-Solger's presentation was handed out to the Council members and was posted on the Council's website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item\\_7b\\_IEP\\_Update\\_Presentation.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_7b_IEP_Update_Presentation.pdf)

#### **Public Comment on Agenda Item 7b:**

Mark Rentz, Association of California Water Agencies, addressed Council Member Fiorini's question on urgency in the context of the example of tethered smolts. Mr. Rentz stated the issue was brought to the Fish and Game Commission with a recommendation by the Department of Fish and Game (DFG) to increase the harvest of the striped bass, however the Commission did not accept DFG's recommendation. Mr. Rentz questioned if there was a role for the Council to act as a facilitator in the dialog with DFG to work in an integrated manner to address the "urgency" issue.

Following Public Comment on Agenda Item 7b, the Council took a five minute break and resumed the meeting at 11:23 a.m.

#### **c. Contract for On-Line Journal**

Dr. Goodwin led the discussion of Agenda Item 7c, an Action Item, requesting the Council to direct the Executive Officer to amend an existing agreement with UC Davis to provide an additional \$490,775 of Science Program Prop 50 funds for continued publication of the *San Francisco Estuary and Watershed Science* online journal in FYs 12/13 and 12/14 (July 1, 2012 to June 30, 2014). In-kind contributions in the amount of approximately \$460,000 will be provided by the University of California Digital Library, University of California Davis, special issue underwriters, and staff from various other agencies, universities and stakeholder organizations.

Dr. Goodwin gave background information on the journal, stating it was a unique online journal that was a primary source of peer-reviewed, credible science on water management issues of the San Francisco Bay, Sacramento-San Joaquin Delta and the watershed. Dr. Goodwin stated the journal was free and was not influenced by any of its funding sources.

Following Dr. Goodwin's presentation of the request, Chair Isenberg asked if there were any questions or comments. It was moved (Nottoli) and seconded (Marcus) to amend the existing agreement with UCD and to provide the additional \$490,775 of Science Program Prop 50 funds for the continued publication of the Journal. A vote was taken (6/0: Nordhoff, Gray, Marcus, Fiorini, Isenberg, Nottoli) and the motion was adopted.

**Public Comment on Agenda Item 7c:**

None.

**8. Delta Plan (Water Code §85300 (a)) (Action Item)**

Dan Ray and Cindy Messer described the process on the development of the final staff draft. It is anticipated that on May 14, 2012, 10 days before the May Council meeting, the sixth staff draft will be released. Throughout the discussion of agenda items under the Delta Plan item, Mr. Ray, Ms. Messer, and Martha Davis heard Council members' comments, provided clarification and answered questions.

**a. Follow-up Report on Draft Environmental Impact Report (DEIR)**

Agenda Item 8a was taken out of order and heard during Agenda Item 4a, Legal Update.

**Public Comment on Agenda Item 8a:**

None.

**b. Update on Development of Final Staff Draft Delta Plan**

Ms. Messer presented the Update on the Development of the Final Staff Draft Delta Plan. She stated that major tasks underway include developing a robust and integrated story for the plan in Chapter 1 and taking a good look at the chapters and restructuring them and reorganizing sections of the plan for better flow. Ms. Messer also noted the numbering for some of the policies and recommendations had changed due to the rearrangement of chapters.

**c. Review of Policies and Recommendations**

Following Ms. Messer's update on the Final Staff Draft Delta Plan development, working from Item 8c Attachment 1, Proposed Alternatives for Policies and Recommendations for the Draft Delta Plan, Dan Ray described the proposed language for the final Delta Plan beginning with Water Quality in the Delta (WQ P1). Ms. Davis joined Mr. Ray and Ms. Messer for the update on WR R3, Compliance with Reasonable and Beneficial Use. Mr. Ray, Ms. Messer and Ms. Davis heard Council members' remarks, answered questions and provided clarification. Public Comment was heard after each key topic discussion.

## **Public Comment WQ P1 – Water Quality in the Delta:**

Joone Lopez, Calaveras County Water District, gave her perspective of dealing with the Regional Water Quality Control Board and the District's permitting experience and the difficulty with the permitting process. Ms. Lopez commented on the difficulty of keeping up with the stringent requirements with limited funding. She stated that infrastructure improvements must sometimes be deferred because of trying to keep up with the requirements and the regulatory fines. Ms. Lopez stated maintaining water quality was something they could support but that the District couldn't support adding more process or review. She said it would be overly stringing and cause problems with funding that is not available.

Mark Rentz, Association of California Water Agencies, requested clarification about determining "significant" negative water quality impacts. Mr. Rentz stated he assumed the responsibility sat with the project proponent but asked when it would be determined that the negative water quality impacts had become significant. Mr. Rentz stated that the Regional Water Quality Control Board and the State Water Resources Control Board already had policies that prevent negative water quality impacts.

Tom Zuckerman, Central Delta Water Agency, commented that after listening to the discussion of the water quality policy, he was confused. Mr. Zuckerman stated he thought the objectives were good but didn't understand what the Council was proposing and questioned what the Council could add to the State Water Resources Control Board's processes that are already in place. Mr. Zuckerman gave several examples of pollutants that the users have little control over and that trying to enforce point and non-point discharge was going to be difficult and time consuming. He questioned how it would be achieved.

At the conclusion of public comment for WQ P1, the Council recessed for lunch at 1:10 p.m. and resumed the meeting at 2:12 p.m. Mr. Grindstaff handed out draft language for a recommendation for water quality based on the discussion that had taken place. Mr. Grindstaff felt the new recommendation accomplished the objectives the Council was looking for, namely shining a spotlight on water quality, asking if it would include water quality impacts, and putting the evaluation of impacts of water quality restoration in the State Board or Regional Board's arena. Mr. Grindstaff's recommendation follows:

*"Water quality in the Delta should be maintained at a level that supports and enhances beneficial uses identified in the applicable State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) water quality plans.*

*Proposed actions should identify significant impacts to water quality.*

*The SWRCB or RWQCBs should evaluate and, if appropriate, propose special water quality protections for ecosystem restoration opportunity areas, areas near municipal water supply intakes, or other areas of the Delta where new or increased discharges of pollutants could impact beneficial uses."*

Following the Council's review and discussion of the recommendation provided by Mr. Grindstaff that replaced WQ P1, staff requested approval from the Council to use Mr. Grindstaff's proposed recommendation. Chair Isenberg asked if there were any further questions or comments and as there were none, it was moved (Gray) and seconded (Fiorini) to direct staff to replace WQ P1 with the new water quality recommendation. A vote was taken (7/0: Nordhoff, Johnston, Gray, Marcus, Fiorini, Isenberg, Nottoli) and the motion adopted.

### **Public Comment DP P1 – Locate New Development Wisely:**

John Luebberke, City of Stockton, expressed his concern that when general plans were addressed as current it "froze" the provisions for their ability to meet housing growth, etc. Mr. Luebberke felt the policy, as written now, stated there could be no development at all rather than reasonable development and placed an urban growth area around the primary and secondary zone of the Delta. Mr. Luebberke felt having a barrier for growth was cause for concern as it could stunt future growth. Mr. Luebbreke also stated that the language "designate" in the policy was vague and it was cause for uncertainty.

Doug Brown, Delta Counties Coalition, felt it made sense for additional clarity on some of the definitions in DP P1 and supported changing the policy to a recommendation. Mr. Brown suggested modifying the proposed recommendation to encourage tourism as a way to offset some of the agricultural loss. He gave examples. Mr. Brown urged the Council to use conforming language consistent with what the Delta Protection Commission identified.

No action was recommended by the Council and no vote was taken on DP P1.

### **Public Comment DP P2 – Respect Local Land Use:**

Erik Ringelberg, Local Agencies of the North Delta, requested clarification on the Chair's statement supporting the Chair's expansion to cover all covered activities and would support the expansion because he felt the scope was narrow in the three areas (water management facilities, ecosystem restoration, and flood management infrastructure). Mr. Ringelberg stated he felt it was a well-reasoned policy and supported by the districts and spoke on police power for infrastructure but was concerned with police power with regard to the taking of lands for habitat restoration. He felt that a "takings" provision would cause landowners concern, and that having their land taken away through a "takings" mechanism would cause them to be much less likely to provide conservation easements and less likely to work with the Council. Mr. Ringelberg stated the CALFED Record of Decision identified partnerships as the first vehicle, easements as the second vehicle, and takings as the last vehicle to achieve the coequal goals.

Following the Public Comment for DP P2, Council Member Nottoli stated he preferred a recommendation rather than a policy and offered to work with staff on developing language for the recommendation. The action was approved by Council concurrence.

### **Public Comment WR R3 – Compliance with Reasonable and Beneficial Use:**

Tom Zuckerman, Central Delta Water Agency, Council Member Marcus read Mr. Zuckerman's comment in his absence. Mr. Zuckerman urged the Council not to change the proposed language in WR R3. He felt the suggested alternative language added nothing to existing law and eviscerates the Council's regional self-sufficiency role.

Next, Dan Ray discussed Agenda Item 8c Attachment 2. Mr. Ray gave a description of the Bethel Island Legacy Community graphic and stated that the Delta Protection Commission's Economic Sustainability Plan suggested the island be redesignated to the primary zone. Following the discussion of 8c Attachment 2, public comment was provided by:

Doug Brown, Delta Counties Coalition, who stated that Contra Costa County will continue to work with staff on the development of the graphic of Bethel Island for the next draft. He was concerned that the residential area to the east identified in yellow had quite a bit of residential, and that if more residential was added it would be infill and he didn't think the county envisioned adding more residential to that area. He will check with Contra Costa County regarding this issue.

No action was recommended by the Council and no vote was taken on WR R3.

#### **d. Overview of Appendices**

Agenda Item 8d Attachment 1, Delta Plan Fifth and Final Staff Draft Appendices were not discussed because Appendix XYZ – Delta Legacy Community Boundaries; XX – Covered actions and Delta Plan Consistency: A Delta Plan Users Guide; YY – State Flood Control Facilities within the Legal Boundary of the Delta; and ZZ – Adaptive Management in the Delta were not available and had not been reviewed. This attachment will return to the Council at the May meeting.

Next, Mr. Ray discussed Attachments 2-10, maps of the legacy communities that will be used to depict the legacy communities, and Attachment 11, State Flood Control Facilities, which identified the floodways and bypasses that would be used in the Delta Plan. Mr. Ray stated the maps didn't include the new proposed floodways by the Central Valley Flood Protection Plan.

#### **e. Update on Graphics and Delta Plan Maps**

Dan Ray updated the Council on the graphics and Delta Plan maps. Attachment 1, Delta Plan Fifth and Final Staff Drafts Figures and Sidebars was not discussed. Mr. Ray described Agenda Item 8e Attachment 2, Delta Plan map, stating that the map would evolve over time (i.e., when BDCP is approved, etc.) but would serve as a visual depicting what the Delta Plan will include. Chair Isenberg requested the source of the map cited. Agenda Item 8e Attachment 3, Summary Timeline for the Final Staff Draft Delta Plan was not included in the meeting materials as it was not ready for the

Council's review. Next, Mr. Ray described Attachment 4, the Chapter Timeline. The attachment was a sample of the timelines that would be included in each policy chapter. It contained the near and mid-term actions related to the policies and recommendations in the chapter and critical to implementation of the Delta Plan and achieving the coequal goal.

## **9. Public Comment**

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

Greg Zlotnick, State and Federal Contractors Water Agency, commented on the Delta Plan map not showing the primary and secondary zones and suggested using a map with overlays. Mr. Zlotnick also commented on Agenda Item 4, specifically the comment letters included in the Executive Officer's Report. Mr. Zlotnick requested a discussion of the Central Valley Flood Protection Plan comment letter, commented on phasing in the habitat arena in the BDCP letter and felt the letter to the State Board put into context what the Council was.

Trish Fernandez, Statistical Research, left the meeting but provided a written comment on DP P1 that was read by Chair Isenberg. It stated the "cultural" aspect of the Plan focuses on "legacy communities" and does not address other aspects of the delta's unique cultural heritage, i.e., archaeological sites and sites of Native American importance. Somehow it appears that "legacy communities" have been substituted for the original language in the coequal goals. This will cause much consternation and conflict with the California Native American community and suggested the Council consult with California Native American Heritage Commission (NAHC) and Office of Historic Preservation (OHP).

**10. 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 – May 24 2012.**

**The meeting was adjourned at 4:37 p.m.**