STATE OF CALIFORNIA PETE WILSON, *Governor*

DELTA PROTECTION COMMISSION
14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293

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DRAFT

Minutes of the Meeting of the Delta Protection Commission

Thursday, December 14, 1995

1. Call to Order/Roll Call

The meeting was called to order by Chairman Pat McCarty. Present were Commissioners: Broddrick, Calone, Curry, Vice Chair Fargo, Ferreira, Freeman, Chairman McCarty, McGowan, Mello, Nottoli, Potter, Salmon, Sekelsky, Simas, and Thomson. Absent were Commissioners Murphy, Torlakson, and Yates.

2. Public Comments.

Chairman McCarty noted the Commission had received a letter from the California Farm Bureau Federation supporting the Commission's position on sewage sludge in the Primary Zone of the Delta. Mr. David Guy, counsel representing the Federation, offered support to the Commission on this matter.

3. Minutes of the October 26, 1995 meeting.

On a motion by Commissioner Calone and a second by Commissioner Simas, the minutes were approved on a voice vote.

4. Minutes of the November 16, 1995 Meeting.

On a motion by Commissioner Calone and a second by Commissioner Simas, the minutes were approved on a voice vote.

5. Chairman's Report.

Next Commission Meeting is scheduled for Thursday, January 25, 1996, to be held in the Jean Harvie Community Center. Tentatively scheduled is consideration of the outstanding local government plans: Sacramento County and the Cities of Stockton and Rio Vista.

On a motion by Commissioner Nottoli and a second by Commissioner Mello, the draft resolution for former Commissioner Bill Hill was approved by a voice vote.

6. Attorney General's Report

Richard Frank offered to prepare a memo explaining the Agricultural Land Stewardship Act, SB 275 authored by Senator Costa for distribution before the next meeting. Chairman McCarty concurred with that offer.

7. Executive Director's Report.

Margit Aramburu updated the Commission on the work on the Geographic Information System and the recreation survey. In the packet is a letter mailed with the approval of the Chairman in support of a Environmental Center proposed by the Lincoln School District in Stockton. The Central Valley Habitat Joint Venture has prepared calendars titled "Farming for Wildlife" and made them available to you.

She noted that the Cities of Dixon and Vacaville created a joint powers agency, purchased 1,000 acres of ag land, placed a conservation easement on those lands, and are now selling them to a private party. In another item, there was a report that a Stockton man, fishing from the bank along Highway 160 on Sherman Island, caught a 44 pound chinook salmon, the biggest fish caught in the Delta in the last 25 years.

8. Pending Projects Memo.

There were no questions or comments on the memo.

9. Staff Briefing on the Status of Local Government Submittals.

Ms Aramburu stated the updated memo summarizes the status of the local government submittals. She noted there is a letter from Sacramento County in the packet and an additional letter at the meeting noting that County will be proceeding shortly. City of Stockton's attorney will be responding to the Commission by the first of the year. There were no questions from the Commission.

10. Continued Public Hearing and Possible Vote on Submittals of Contra Costa County and San Joaquin County.

Chairman McCarty asked for public comments on the submittals of Contra Costa County and San Joaquin County. There were no public comments. The public hearing was closed.

Ms Aramburu recounted the history of the Contra Costa County submittal and noted the inclusion of a policy which states:

> All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provision of the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as adopted and as may be amended by the Delta Protection Commission.

With the inclusion of this policy, staff recommended that the Commission find the proposed Contra Costa County General Plan amendments consistent with Section 29763.5 of the Delta Protection Act by adopting the draft resolution attached to the staff report.

There were no comments from the Commissioners.

On a motion by Commissioner Simas and a second by Commissioner Calone, the resolution was adopted unanimously by roll call vote.

Ms Aramburu stated the San Joaquin County General Plan is very close in language to the adopted Delta Plan. County staff is suggesting adoption of four new policies, which along with existing policies in the General Plan, will ensure that the General Plan is in conformance with the Delta Plan.

Staff recommended that the Commission find the proposed San Joaquin County General Plan amendments consistent with Section 29763.5 of the Delta Protection Act, by adopting the draft resolution attached to the staff report.

On a motion by Commissioner Calone and a second by Commissioner Simas, the resolution was adopted unanimously by roll call vote.

11. Public Hearing and Vote on Annual Report to Governor and Legislature for 1995.

Chairman McCarty noted the Commission is required to submit an annual report to the Governor and Legislature.

Ms Aramburu noted that an addendum of acquisition in the Stone Lakes Wildlife Refuge for inclusion.

Commissioner Potter suggested adding the adoption of a new Delta Water Quality Control Plan by the State Water Resources Control Board and Department of Fish and Game issued a Master Environmental Assessment for Delta levees.

Commissioner Fargo suggested sending the Wildlife Calendars with the annual report.

Commissioner Mello asked how the lands in the refuge were acquired; Ms Aramburu said she understood it was by willing seller. She noted there is a substantial amount of publicly owned land which is within the boundary of the refuge.

Commissioner Broddrick suggested including the conservation easement on the islands near Staten Island.

Chairman McCarty opened the public hearing.

Craig Johns, represented Wheelabrator Clean Water Systems, BioGro Division, suggested amending the discussion of the lawsuits to include that the Judge ruled P-3 invalid, as an impermissible regulation.

Commissioner Nottoli asked if Mr. Frank agreed with the language; Mr. Frank said he would review the language and provide a correction for inclusion in the annual report after the Commission received the final judgement. Commissioner Nottoli supported that action. Commissioner Broddrick suggested that there be some reference to the Commission's options in response to the final judgement; Mr. Frank suggested reviewing language with the Litigation Subcommittee.

Commissioner Fargo suggested noting that the Commission is due to sunset and reporting whatever the Commission's action might be on the next agenda item.

Chairman McCarty closed the public hearing.

On a motion to adopt, with suggested changes, by Commissioner Fargo and a second by Commissioner Nottoli, the annual report was adopted by a voice vote.

12. Public Hearing and Possible Vote on the Future of the Commission.

Chairman McCarty stated the Commission is slated to sunset on January 1, 1997. He said this item has been agendized because the Commission must decide if additional time is needed to ensure that the Commission has carried out its mandated tasks.

He said he is concerned that the Commission is behind in its timeline and that the Commission may need some additional time to complete its work. He noted that the Commission held public meetings and asked for input from the public and the members of the Commission. His constituents in the central Delta, agree that there should be an extension for a limited amount of time.

He noted that a public hearing is scheduled to receive additional public input, and then hopefully come to consensus on what out next steps will be.

Ms Aramburu noted a letter had been submitted by the San Joaquin County Farm Bureau supporting an extension.

Chairman McCarty opened the public hearing. There were no public comments. Chairman McCarty closed the public hearing and asked for Commissioner comments.

Commissioner Thomson thanked staff for making a presentation to the Board of Supervisors and asked for additional time, until January, for the Board of Supervisors to consider an extension of the Commission. Chairman McCarty asked the impact of a delay; Ms Aramburu suggested that its important to move as quickly as possible. Chairman McCarty asked for that to be set aside for the time being.

Commissioner Potter said there seems to have been sufficient slippage in the timeline and enough important issues pending to merit serious consideration of a two year extension.

Commissioner Salmon said based on the input from the south Delta, there is general support for an extension of two years.

Commissioner Mello agreed that there is consensus for an extension of two years.

Commissioner Nottoli thanked staff for making a presentation to the Board of Supervisors and suggested that its important that the tasks in the charter be completed and that a two year extension would be reasonable. He ask that the matter be agendized so the full Board can discuss the matter.

Commissioner McGowan said he concurs that additional time may be needed to complete the charge of the Commission. He added that there should be consideration of a longer term role for the Commission, perhaps with changes. He said there is no other organization which brings these "players" together, with the primary concern being the protection of the Delta. He noted that the agency is bare-bones, discusses important issues and moves on.

Commissioner Curry suggested changing the number of meetings per year, perhaps every other month or quarterly.

Commissioner Mello suggested focusing on the larger issue and suggesting waiting until the Counties complete their action before making any other changes.

Commissioner Simas said there is no question that the Commission should be extended; he noted its the only agency charged with preserving and protecting the Delta. He supported flexibility on the monthly meetings. Regarding an extension, he suggested asking for four years, and the Commission could sunset earlier if the mission is completed.

Chairman McCarty said the Commission has completed some tasks, but there are other task yet to complete. In the next two years the Delta is also the focus of the CAL FED process, with overlapping timelines and issues including levees and habitat and land use. He suggested that the Commission should remain in place to participate and incorporate that process.

Commissioner Broddrick agreed that there is a need to have a body to discuss regional issues that will impact the Delta. He supports the Commission as a forum for discussion. He expressed disappointment with the lack of public comment, but urged extension of the Commission for a couple of years as a focal point and forum for debate.

Commissioner Thomson noted that there seems to be support to extend the Commission for a couple of years, at least. He said if such a motion is made tonight, he will vote against it, because he does not support regional government, as represented by the Commission. Personally, he feels the work of the Commission is admirable, but on behalf of the Board of Supervisors, he cannot support an extension.

Vice Chair Fargo asked about alternates; Ms Aramburu said there is no provision for alternates. Commissioner Mello said he doesn't support alternates that haven't participated fully making key decisions which would affect the Delta.

Commissioner Freeman asked if there would be discussion of other options outlined in the staff report. Commissioner Mello said he would support a further discussion about the Commission only after the work of the Commission is complete. Commissioner Broddrick supported leaving the Commission as it is currently composed until its assigned tasks are completed.

Commissioner Potter wondered if the Legislative Subcommittee should work with Senator Johnston to develop feasible legislation to then bring back to the Commission.

Commissioner McGowan suggested a consensus vote to forward to Senator Johnston for his input, with his understanding that there is a consensus for a two year extension to allow the Commission to finish its work.

Commissioner Potter suggested that within that two year extension, there could be a discussion of the future of the Commission.

Chairman McCarty outlined the two approaches: direct the Legislative Subcommittee to work with Senator Johnston to craft legislation, or a formal motion and formal recommendation, or a third option--a consensus vote to indicate the direction of the discussion. He noted that Senator Johnston is waiting for direction from the Commission.

Commission Mello moved that the Commission's sunset date be extended for two years. Commissioner Simas offered an amendment to allow a flexible number of meetings per year, the amendment was accepted by the maker. Commissioner Simas seconded the amended motion. By voice vote the motion was passed; Commissioners Thomson and Freeman voted no.

Ms Aramburu suggested creation of a new Legislative Subcommittee. Chairman McCarty asked for any additional volunteers to be added. Mr. Frank suggested that Subcommittees must meet in public meetings with notice; however, if the Subcommittee will meet with legislators, that may not be feasible. Only a Subcommittee of two or less could meet without public notice. A representative of the Subcommittee could meet with Legislators.

Commissioner Fargo suggested that all Commissioners that can be involved in "lobbying" for passage of the legislation. Commissioner Potter suggested that the Chair direct the actions of the Commissioners to this end.

13. Commissioner Comments

Commissioner Salmon expressed appreciation of the changes in the sound system.

Commissioner Potter noted that Friday the 15th is the first anniversary of the Delta accord and there will be an event on the Delta King.

Commissioner Broddrick noted that the Yolo County Habitat Conservation Plan should be finalized for Board and public review in mid-January.

He noted that the City of Davis had enacted its first ever mitigation for the loss of agricultural lands which resulted in an agricultural easement. The first is incorporated into a MOU with the Department of Fish and Game. After the easement was placed on the land one of the major farmers in the area purchased the land. Commissioner Mello asked the difference in the value after the easement was placed; Commissioner Broddrick thought about $1500 an acre, a little more than a third of the value.

Chairman McCarty stated there was a closed session before the regular meeting and no action was taken; the Commission was discussing pending legislation.

14. Adjourn.

The meeting was adjourned at 8:50 p.m.

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