

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, November 29, 2007

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute

Chairman McGowan called the meeting to order at 6:30 p.m.

2. Welcome New Commissioners

Chairman McGowan welcomed Darlene Dawson and Jeff Hart to the Commission. Ms. Dawson will represent Delta Landowner in Outdoor Recreation; Mr. Hart will represent Delta Landowner in Wildlife Conservation.

3. Roll Call

Present: Chairman McGowan, Commissioners Armor, Brand, Calone, Dawson, Dresser, Ferguson, Hart, Johnson, Johnston, Kelly, Nottoli, Reagan, Ruhstaller, Simonsen, Shaffer, Tilghman, and van Loben Sels.

Absent: Commissioners Cabaldon, Piepho, Scriven, and Wilson.

4. Public Comment - Opportunity for Members of the Public to Address the Commission. Comments also Welcome as Agenda Items are discussed.

Harry Moore, Stockton reported that the water tables of the entire valley area have dropped dramatically from over pumping and are still causing losses of our aquifers in all areas. Mr. Moore said that much of the Delta is fifteen to twenty feet below sea level and sinking about four inches per year. Additionally over 5,200 square miles of the central valley has subsided in excess of one foot and in some areas around Mendota as much as 31 feet. Mr. Moore said that in order to recover a portion of the losses, the first step would be to protect the head waters and restart as much fresh water flow as possible for our main rivers and streams. He also said the San Joaquin River could release at least one-third of its natural flow as quickly as possible and then increase over a period of time all rivers and streams to two thirds flow and never remove or transport over one third of their flow away from their natural influence. Additionally, coastal cities should look towards desalinization to release water from dammed areas and help restore natural flows of our rivers and streams. Mr. Moore said that many of the Delta's levees have reached the shear capacity of the underlying soil and will require engineering to raise them higher which could be accomplished with membrane and widening and using dredged spoils. He said this and other maintenance work could be done while flows are being restarted in various areas.

John Herrick stated that he was concerned that the Commission was disseminating information and materials from the Association of California Water Agencies (ACWA). Mr. Herrick said that ACWA has in fact taken a position on the Peripheral Canal and that if the Commission wanted to disseminate information on its website, it should use materials from all agencies.

Gary Adams, California Striped Bass Association, stated that ACWA should not be advertised and there should be an effort to eliminate dual agency.

Ms. Fiack reported that part of the role of the Commission is to disseminate information to the interested parties; however, not take a position on any given subject.

Consent Agenda Item 5-16

Commissioner Reagan moved Agenda Item 11 and Agenda Item 12 to the Regular Agenda.

Commissioner van Loben Sels moved approval of the Consent Agenda; Commissioner Ruhstaller seconded. The Consent Agenda was approved unanimously.

REGULAR AGENDA (Items 11, 12, 17-24)

11. Receive Informational Update on Bureau of Reclamation on Prospect Island.

Commissioner Reagan stated that Prospect Island is an example of an island without management. He said that the Bureau of Reclamation is looking at other agencies to take over the liability of the island.

Commissioner Calone stated that the Commission had taken an earlier position that letting it go was inappropriate; however agency/farmers of Ryer Island did not want to take the same position of the Commission.

Commissioner Hart said that the rescue efforts came about through the efforts of the fishing community. He said that long term planning for the island is unclear and there is frustration from the Department of Fish and Game (DFG) when getting these lands not of getting personnel or the monies to maintain the island.

Gary Adams, President of the Stripped Bass Association stated that DFG was not notified about the incident but found ____ on the island that it should be for habitat. He said that his group tried to get folk to the island and was threatened with tickets and fines. Mr. Adams said that he saw areas of several hundred striped bass that would not last another three days. He said that DFG should have been appraised ahead of time of the issue.

Commissioner Shaffer [listen to tape](#).

Commissioner Kelly moved approval of Agenda Item #11; Commissioner van Loben Sels seconded. The item was approved unanimously.

12. Receive Informational Update on Delta Risk Management Strategy Draft (DRMS) Report

Commissioner Reagan stated that he did not want to abandon the concept of the West Delta.

Commissioner Brand stated that she sits on the DRMS subcommittee. She said that Phase I of the report would encompass a model to assess risk in the Delta and Phase II was to test the model; however she did not think ...

Commissioner van Loben Sels said ..

Commissioner Armor said that the Suisun Marsh plan was being developed and should be available within three to four months.

Commissioner van Loben Sels moved approval of Agenda Item #12; Commissioner Dresser seconded. The item was approved unanimously.

17. Receive Informational Presentation from Staff of the Department of Boating and Waterways (DBW) Relative to Aquatic Invasive Species.

Marsha Carlock, reported that DBW that the Egeria Densa program is about six years. She said that anywhere in the where the water is more shallow than 10ft you will find the Egeria Densa. She said that DWR limited to only treating the plant with herbicides up until July 1 of any year because of the salmon. She said the plant is spreading 1000 acres a year. She said that after three seasons of treatment, there is hope to not have to use heebicided for several years. She also reported that DWR treats the Water Hyacinth from July 1 to October 15th and has been doing so for 4 years.

Commissioner Armor asked when and where the next treatment would take place. Ms. Carlock responded that Franks Tract would be the only area treated in 2008.

Commissioner Brand commented that that State Lands Commission has been participating in a pilot project in Lake Tahoe to remove the eurasion water milfoil. She said the agency had success in diver assisted vacuum suction. And asked if DBW has considered it. Ms. Carlock responded that DBW could not use vacuum suction because of concern with creature living in the mud.

18. Consider Recommendations for Chair and Vice-chair for Term 2008-2009 from the Nomination Sub-Committee

Ms. Fiack reported that the Nomination Subcommittee met to develop policy guidelines and make recommendations for the selection and appointment of the Chair and Vice-Chair positions for 2008 and 2009. She said that after careful consideration, the Sub-Committee was recommending that Commissioner Simonsen be nominated and appointed as Chair and Commissioner van Loben Sels be nominated and appointed as Vice-Chair.

Commissioner Calone moved that Arne Simonsen be appointed as Chair and Topper van Loben Sels be appointed as Vice-Chair; Vice Chair Ferguson seconded the nomination. Both Commissioners accepted and the nominations/appointments were approved unanimously.

19. Receive Update on Amendment of Commission Regulations Concerning Appeals.

Dan Siegel gave a background on the appeal process. He said that until recently the only way an appeal could come to the Commission as an appeal of local government action as being challenged as being inconsistent with the Management Plan is if an aggrieved party filed an appeal with the Commission. He further stated that the Commission's statute was recently amended to provide a second avenue by which the Commission could hear an appeal which is that the Commission could itself initiate an appeal by majority vote. He stated that as a result of the new procedure, the Commission should update its regulatirions to reflct the new procedure. He drafted regulations that would provide for the second avenue of the appeals and asked for feedback. He said that the draft regulations would appear before the Commission until it was

time to begin the formal process of adoption. He also said that given the Bagley-Keene Act, the Commission should think about the mechanics of bringing a matter before it, because it could not vote at a meeting, whether or not to initiate an appeal because it would have to be publicly noticed.

Commissioner van Loben Sels – extend time limit on hearing items on appeal

Commissioner Simonsen asked if the Commission should use working days on its time limit. Mr. Siegel responded that the Commission should use working days before 45 days; however, use calendar days after 45 days.

Commissioner Kelly said that she agreed with Commissioner van Loben Sels.

Commissioner Tilghman said that a provision should be added which would allow an appellant to withdraw an appeal. Also that there was transparency in the process. All to review recommendation of staff before

Sec 20001 – revise title to reflect content

Mr. Siegel said that there should be language to provide wiggle room.

Commissioner Johnston said that if staff recommendation it must be in writing.

Commissioner _____ said there should be no handouts at least five days before any hearing.

Peggy Bohl, Clarksburg

20. Receive Informational Update on Delta Vision Process from Delta Vision Stakeholder Committee Members, Including Correspondence Submitted to the Delta Vision Blue Ribbon Task Force by Commission Member Entities.

Commissioner Simonsen stated that the Commission should be concerned when NRDC etc. get together.

21. Receive Update on Lower Sherman Island Lake Safe Passage Marker Buoy Issue

22. Commissioner Comments/Announcements.

There were no announcements.

24. Adjourn

The meeting was adjourned at 9:15 a.m.