

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, January 24, 2008

ADMINISTRATIVE AGENDA (Items 1-5)

**1. Call to Order/Flag Salute**

Chairman McGowan called the meeting to order at 6:40 p.m.

**2. Introduction of Chair and Vice Chair for 2008-2009**

Chairman McGowan introduced Commissioners Arne Simonsen and Topper van Loben Sels, respectively, as the new Chair and Vice Chair, respectively, for 2008-2009.

**3. Welcome New Commissions and New Staff Member**

Chair Simonsen introduced Mark Wilson as the newest Commissioner. Mr. Wilson is a resident of Clarksburg and will represent Delta Landowners in Production Agriculture. Chair Simonsen also introduced Commission staff member Jessica Becerra, Student Assistant. Ms. Becerra is a student at CSUS.

**4. Roll Call**

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

Absent: Calone, Cabaldon, Nottoli, Johnston and Piepho.

**5. Public Comment**

Lisa Kirk, Bethel Island updated the Commission on Delta Coves, a project which breaches the levee on Bethel Island and is currently involved in a lawsuit.

CONSENT AGENDA (Items 6-21)

Agenda Items 6 and 21B were moved to the Regular Agenda at requests of Commissioners Johnson and van Loben Sels, respectively.

Commissioner Ferguson moved approval of the Consent Agenda; Vice Chairman van Loben Sels seconded. The Consent Agenda was approved unanimously. (Items 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21A and 21C).

REGULAR AGENDA (Items 6, 21B, 22-34)

**6. Approve Minutes of Meeting of November 29, 2007.**

Commissioner Johnson asked that the minutes be changed to correct a typo on Marcia Carlock's name; the acronym DWR be changed to DBW; and a sentence to be rewritten. Commissioner Wilson moved approval of the minutes with the noted changes; Commissioner Kelly seconded. The minutes were approved unanimously with corrections incorporated as noted.

### **21B. Executive Director's Report**

Vice Chairman van Loben Sels noted that the ED report stated that one of the five Delta Counties offered to assist the Commission and staff in the update of the Management Plan. He asked if accepting the help would be wise or if arms length transactions should be maintained between the Commission, the Counties and the local government(s) who could appeal a project.

Commissioner Dresser urged the Commission to be careful in accepting help from the counties as it could be not perceived well.

Linda Fiack responded that the concern is recognized and the proposal was no longer being considered.

Commissioner Armor moved approval of the Executive Director's Report; Commissioner Mark Wilson seconded. The motion was approved unanimously.

### **22. Receive Informational Presentation from Staff of the Department of Fish and Game on Invasive Species K9 Program.**

Commissioner Armor reported that Warden Shimek was unable to make her presentation due to illness.

### **23. Informational Presentation from Commission Staff on Status of Delta Emergency Planning and Response Collaborative Process.**

Suzanne Butterfield, Deputy Director of Special Projects reported on the status of the emergency planning and response collaborative efforts initiated by the Commission as a result of the summit held by the Commission in 2006 discuss a coordinated effort of Delta wide emergency planning to achieve a coordinated regional response plan for flood fighting. Ms. Butterfield said that to date, accomplishments of the Collaborative include identification of key stakeholders at the federal, state and local levels that would have an active role during a catastrophic event in the Delta, including reclamation districts to solicit input. She also reported that the process will include a gap analysis of existing plans.

Commissioner Reagan asked if Homeland Security funds would be considered, and if staff was speaking with federal legislators. Ms. Butterfield responded that staff was looking at Homeland Security funds and would work on speaking with legislators. Don Radner, member of the public, asked if the emergency planning and response stakeholders were public or private landowners. Ms. Fiack responded that the stakeholders were both; however, the list was continuing to evolve.

Commissioner Reagan moved to approval of Agenda Item 23; Commissioner Daniel Wilson seconded. The motion was approved unanimously.

**24. Receive Information Presentation from Commission Staff on Initiation of Lower Bypass Collaborative Pursuant to Funding Awarded by DFG to the Center for Collaborative Policy (CCP).**

Dave Ceppos, Delta Manager, Center for Collaborative Policy – CSUS reported that there was a range of land ownership positions in the Lower Yolo Bypass. He said there have been a number of conditions and activities that have led to a point where there is no single unified way to come to resolutions about the conditions of the Lower Yolo Bypass to make decisions. He said a proposal is in the works to bring landowners together. The Lower Yolo Bypass Forum has been initiated by the Commission in co-sponsorship with the Yolo Basin Foundation with funding from Fish and Game and facilitation assistance from CCP.

The proposal is a five-stage process to help the Collaborative develop mutually beneficial/mutually agreed upon management guidelines, plans, and strategies to be adopted by various agencies. Additionally, the process will be implemented with programs such as BDCP, FLOODSafe and Delta Vision. Mr. Ceppos said that to date, the collaborative has identified media outreach materials, and is working on identifying the stakeholder to be involved. The process will be a 16 month effort that will be consistent with the Delta Vision process.

Commissioner Reagan said he was not thrilled that prime ag lands were being taken out of production. He further said that he is aware of the fish kill on Prospect Island, and inability to manage those lands has turned into a liability for local government. Commissioner Daniel Wilson said that ag communities looked at the mishandling of Prospect and Liberty Islands as to why private ownership is better than public ownership. Mr. Ceppos responded that the responsibility is to put together a whole group that is driven by a guideline and overarching management plan.

Commissioner Reagan moved approval of Agenda Item 24; Commissioner Wilson seconded. The item was approved unanimously.

**25. Receive Informational Overview of Draft State Water Project Delivery Reliability Report - 2007, Prepared by the Department of Water Resources, Bay-Delta Office.**

Commissioner Kelly reported that each year the Department of Water Resources distributes a report on the delivery capability of the State Water Project. The report highlights the current conditions and conditions projected 20 years into the future for delivery capability, and would be used to help areas in developing urban water management plans. The public review period of the draft is 45 days and it is hoped the document would be out in a week.

Commissioner Armor asked if it assumed the continued integrity of all Delta levees. Commissioner Kelly responded yes, as the report references the Delta Risk Management Strategy, Delta Vision, and the Bay Delta Conservation Plan.

Commissioner McGowan moved to approve Agenda Item 25; Commissioner Reagan seconded. The item was approved unanimously.

**26. Receive Concept for Update of the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta Consistent with 2007-2008 Strategic Plan Tasks**

Ms. Fiack reported that one of the 2007-08 tasks in the Commission's 2006-2011 Strategic Plan calls for the update of the Commission's Management Plan. She said that Commission staff has had discussions with the Center for Collaborative Policy to develop the framework and the process to begin the update. Ms. Fiack said that outreach through workshops, forums of discussion, and general plan reviews and document review would begin the process. She said it is hoped to begin the process in March, if member contributions are made to the budget as anticipated, or July, 2008 if 2008-09 budget funds are needed.

Commissioner Tilghman asked if environmental review would be part of the document update process. Ms. Fiack responded that CEQA review would come later in the process. Commissioner Johnson moved approval of Agenda Item 26; Commissioner Mark Wilson seconded. The motion was approved unanimously.

**27. Receive Draft Amendment of Commission Regulations Concerning Appeals, Including Input from Commission Discussion on November 29, 2007.**

Dan Siegel reported that the Commission's statute was amended to add regulations addressing a statutory change that allows the Commission to initiate an appeal on its own. He said that suggested changes to the regulations include (1) the use of "working days" rather than "calendar days" for all periods other than the longest (45) day period; (2) language added to section 20003 to make it clear that appeals are to be limited to the review of local government actions concerning lands located within the Primary Zone of the Delta; (3) language added to section 20008(c) encouraging staff to make written, (as opposed to oral) recommendations concerning whether an appeal raises issues not within the Commission's jurisdiction or does not raise an appealable issue; and (4) section 20009.1 added to allow an appellant to withdraw an appeal. Mr. Siegel asked the Commission to review the language and provide any input.

Commissioner Kelly suggested that the word aggrieved person be hyphenated. She also asked if there was a mechanism in place where a second party could file an appeal if a first party filed an appeal and withdrew that appeal. Mr. Siegel responded that there was no mechanism in place and did not think it was an option.

Commissioner Daniel Wilson moved approval of Agenda Item 27; Commissioner Ruhstaller seconded. The motion was approved unanimously.

**28. Receive and Discuss Commission Staff Proposal to Change “Normal” Meeting Time from 6:30 p.m. to 4:00 p.m. and to Rotate Meeting Locations Throughout the Legal Delta.**

Ms. Fiack proposed to change the normal meeting time from 6:30 p.m. to 4:00 p.m. She said that this was due to quorum problems due to other evening commitments of elected members, staffing hours, traffic issues and an overall need to end commission meetings at a reasonable hour. She asked for input on the matter. She also proposed having meetings in locations throughout the Delta to encourage public interest and attendance.

Commissioners Armor, Dresser, Ferguson, and Wilson said that 6:30 would work best for them. Additionally, Commissioner Wilson said that he would like to keep the location of the meetings as is.

Commissioners Dawson, Johnson, Reagan, Ruhstaller and Mark Wilson said that 4:00 p.m. was ok with them; however, they were flexible.

Commissioner McGowan said that he did not mind the flexible locations but would not support a different meeting place for each meeting.

Commissioner Tilghman said that the meetings should not be too early as he was concerned about public participation. Additionally, he said he would support other meeting places as it would give the Commission exposure.

Chairman Simonsen said that he would support flexible locations but suggested that at least three meetings be held at the same location.

Ms. Fiack said that she would take the comments into consideration and work with the Chair and Vice-chair for direction reflective of the discussion and input.

**29. Receive Informational Update on Delta Vision and Strategic Plan Process from Commission Representatives on the Delta Vision Stakeholder Coordination Group.**

Commissioner McGowan said that the Commission has been discreet during the DV process relative to taking positions on issues such as conveyance. He said he was curious to know how the DV related to the commission principles. He also said that the big topic on the DV was governance and wanted to know what role the Commission would have during those conversations. Ms. Fiack responded that she attends the DV meetings and is relaying the Commission's existing authority and its Management Plan policies, as have members of the Commission that are serving on the DV Stakeholder Committee.

**30. Receive Informational Update on Status of Removal of Navigational Hazard in Mayberry Slough Pursuant to Process Facilitated by the Commission and the Counties of Sacramento and Contra Costa.**

Commissioner Dawson reported that the spuds were still in Mayberry Slough and multiplying. She said she met with the contractor and it is hoped to have the spuds removed within a short timeframe.

**31. Receive Update from Commission Staff on Grant Solicitation/Reimbursements.**

Ms. Butterfield provided an update on the two grants that have been awarded to the Commission and several grants for which applications have been prepared and submitted.

**32. Commissioner and Staff Comments/Announcements.**

Commissioner Armor said he would work with Commissioner Nottoli to secure funding to help with the Lower Sherman Island Lake Safe Passage Marker Buoy. He also announced that there was a Zebra Mussels infestation in California reservoirs.

Commissioner Ruhstaller said that the San Joaquin public works department wanted to receive more information on the Delta Trail and want to know where the Trail would be located. Ms. Fiack responded that she would provide the information; however, with respect to location of the Trail, there was no line on the ground yet.

Commissioner Hart commented that he wanted to see a promotion of agri-tourism.

**33. CLOSED SESSION**

There was no closed session

**34. ADLOURN**

The meeting was adjourned at 9:00 p.m.