

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, April 23, 2009

ADMINISTRATIVE AGENDA (Items 1-6)

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

Chair Nottoli called the meeting to order at 5:50 p.m.

**2. Introduce and Welcome New Commission Members and Member Alternates Appointed Since March 26, 2009.**

Chair Nottoli announced that Commissioner Topper van Loben Sels appointed Russell van Loben Sels as his alternate and Commissioner Daniel Wilson appointed Steve Mello as his alternate.

**3. Present Resolution of Appreciation to Former Commission Member Ken Trott for His Service to the Commission.**

Chair Nottoli expressed appreciation for Ken Trott's service to the Commission and presented a Resolution of Appreciation.

**4. Introduce New Commission Staff Member.**

Linda Fiack introduced Judi Quan as the new Project Manager on Commission Staff.

**5. Roll Call**

**Present:** Chair Nottoli, Commissioners Becerra, Dawson, Johnston, Kelly, Provenza, Newton, Scriven, van Loben Sels, Vick and Mark Wilson.

**Absent:** Commissioners Armor, Cabaldon, Eggman, Ferguson, Piepho, Ray, Reagan, Ruhstaller, and Daniel Wilson.

There was no quorum.

**6. Public Comment**

Bill Worrell, Antioch stated that Assembly Bill 1253 would be heard in Committee on April 28, 2009. He said the bill would eradicate the striped bass that the Sportsman Yacht Club has worked to protect because the fish is an important source for the Delta. Mr. Worrell asked that the Commission draft a proclamation opposing the legislation.

Chair Nottoli asked that the bill be placed on the May agenda for discussion.

**CONSENT AGENDA**

There were no Consent Agenda items.

**REGULAR AGENDA (Items 7 – 11)**

**7A. Receive and Review SB 458 (Wolk) Sacramento-San Joaquin Delta Conservancy Consistent with Program Strategies 4 and 5 of the Commission's 2006-2011 Strategic Plan, and Plan Implementation Tasks 2 and 5 and Program Administration Task 5 of the Adopted 2008-2009 Strategic Plan Tasks.**

Vice Chair van Loben Sels stated that the makeup of the Conservancy on the proposed legislation would help bring in money for programs in the Delta including those administered by the Commission. However, the membership should have 13 members instead of 11, with one appointee being either from the Central Valley Flood Control Agency or the Chair of the State Reclamation Board.

Commissioner Provenza responded that the County of Yolo supports the legislation and agrees with the expanded membership.

Bill Worrell noted that part of the legislation included protection for invasive species. He said that on the surface that was a good deal; however most fishermen fish for those types of fish as they are not native to the State.

Commissioner Newton responded that the invasive species bill is Senate Bill 457; not Senate Bill 458.

**8A. CONSIDER and Discuss Draft Management Plan Revisions and Amendments, Taking Into Consideration Information Provided by the Staff Consulting Team Pursuant to Commission Member Requests and Input on, and Subsequent to, March 26, 2009.**

Doug Brown of the staff consultant team reported that the research collected to date in follow-up to the discussion of the members of the Commission at the March meeting, and direction to the team, focused primarily on issues relative to buffers, transfer of development rights (TDR) programs, and development rights within the Primary Zone of the Delta. He expressed that the consultant team, primarily Alex Westoff had researched the data requests through discussions with planners in the Delta counties as well as San Luis Obispo Counties and other relevant entities.

Commissioner Johnston asked if it was possible to quantify the number of developable parcels in the Primary Zone. Mr. Brown, on behalf of the consulting team, noted that collection of the data is feasible but would involve extensive time so only preliminary information was summarized at this time pending further direction from the Commission.

Commissioner Johnston remarked that since counties such as Yolo have raised the potential and desire to cluster development rights, the issue is raised as to what should be in the Management Plan taking into consideration the number of parcels and the potential that clustering rights would afford a project proponent. He indicated that, in his view, vague estimates would be problematic and that the burden in on those who want to have a policy on clustering to do the research.

Mr. Brown provided the perspective that TDR's are generally put into place when an entity wants to preserve something and that generally they are not implemented that often because of the complexity of such a program. He reminded the Commission that the current Management Plan has a policy that encourages TDR's and clustering to preserve ag land and that based on discussions of the MPU Advisory Team that language has been slightly revised in draft form to reflect the interest of counties to implement such programs.

Chair van Loben Sels commented that, to him, the numbers are critical because they would show the impact of building the Delta out as provided for in 1992 development rights and what those impacts might be on Delta infrastructure. He cautioned that it should be noted that large parcels with one tax ID number have the potential to be broken down.

Commissioner Johnston requested the Commission be provided the estimates and the source materials for the estimates. Ms Fiack responded that the request was noted for staff follow-up.

Dorian Fougere, facilitator of the process, brought to the Commission's attention that the staff consulting team has also prepared revised draft language and criteria relative to buffers and the recreational concerns that were raised at the last meeting.

Ms. Fiack informed the Commission that the staff consultant team has worked closely with Dan Siegel to determine if the revised policies, as drafted to date, would require amendment to the Delta Protection Act.

Commissioner Newton stated that she has not seen the State Lands Commission's (SLC) comments and asked what the process was for incorporation of the comments into the process. Mr. Fougere responded that those changes that were primarily grammatical would be incorporated in the next draft and that those of policy substance would be noted as the Commission continues to discuss the policies for which changes were recommended. Ms. Fiack noted that SLC's comments would be provided to the Commission as part of the agenda for the next meeting.

**8B. CONDUCT PUBLIC HEARING No. 2 of 3 (Pursuant to Public Resources Code Section 29762) to Receive Comments on Draft Revisions and Amendments to the Management Plan.**

Chair Nottoli convened the public hearing.

Katie Patterson, San Joaquin Farm Bureau stated that the Farm Bureau was concerned with the recreational accessibility component. Ms. Patterson said that the Farm Bureau wanted to make sure that recreational accessibility happens in the right place and does not impact agricultural practices. She also said the Farm Bureau was in favor of a strong ag base and in favor of allowing local jurisdictions to dictate on the buffers. Ms. Patterson further stated that with regards to Water Policy 1, the Commission should be more specific on how it envisions salinity to be managed in the Delta.

Chair Nottoli closed the public hearing.

Commissioner Mark Wilson stated that he would like to see a policy on renewable energy.

Commissioner Newton stated that she would like to see actions that reference incompatibles with the Williamson Act.

**9. CONSIDER and APPROVE Modification of Executive Director Compensation, and Effective Date for Modification, as Discussed by the Commission on November 20, 2008, January 22, 2009, and March 26, 2009.**

This item was postponed due to lack of a quorum.

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

Commissioner Becerra reported that the Department of Boating and Waterways is sponsoring “Dump at the Pump” campaigns. The campaigns—one directed toward those boating on the coasts and the other directed toward those boating in the rivers—are designed to encourage the boating community to use the pump-out stations at local marinas. She distributed mock ups of the campaigns and asked for any suggestions.

**11. ADJOURN**

The meeting was adjourned at 7:30 p.m. bwi