

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, September 24, 2009

315 Fyffe Ave  
Rough and Ready Island  
Stockton, California 95203

ADMINISTRATIVE AGENDA

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

Chair Nottoli called the meeting to order at 1:20 p.m.

**2. Roll Call.**

Present: Chair Nottoli, Commissioners Becerra, Dawson, Ferguson, Goulart, Johnston, Martin, McGowan, Mindt, Morey, Ray, Reagan, van Loben Sels, Vick and Mark Wilson.

Absent: Commissioners Cabaldon, Eggman, Pegos, Ruhstaller, Scriven and Daniel Wilson.

**3. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.**

Will Middleton, Clarksburg reported that the TANC Transmission Line project was withdrawn. Mr. Middleton said he would like to see siting requirements incorporated into Utilities and Infrastructure Policy 1. The language would require utilities to consult with communities before submitting a project and bind the utilities to existing county ordinances to restrict lines near residences, schools, and businesses.

Woody Alspaugh stated that he was opposed to the proposed Peripheral Canal. He said that once a canal is built, boating and shipping of any kind would disappear.

CONSENT AGENDA (4-15)

**4. Receive Information about California Coastal Cleanup Day on September 19, 2009, Including Delta Sites Sponsored by the Commission.**

**5. Receive National Heritage Area Information Researched by Commission Staff Pursuant to Commission Direction, Note Selection of Eisenstein Consulting to Initiate the Outreach and Feasibility Planning Process for Delta National Heritage Area Designation, and Recognize the Award of Funding Support From the National Trust for Historic Preservation.**

**6. Receive Informational Update on Legislation of Interest to the Commission.**

**7. Receive Information on the Central Valley Flood Protection Plan Development Process (Delta Regional Conditions Work Group) Sponsored by the Department of Water Resources, Including Representation by the Commission.**

**8. Receive Informational Update on the Emergency Management and Response Planning**

**Efforts Initiated by the California Emergency Management Agency, Department of Water Resources, the Commission, and the Delta Counties Emergency Response Managers Pursuant to Provisions of Senate Bill 27.**

9. **Receive Informational Update on the Delta Mercury TMDL Process Sponsored by the State Water Quality Control Board.**
10. **Receive Informational Update on the Long-Term Management Strategy for Dredging in the Delta – LTMS Sponsored by the U.S. Army, Corp of Engineers, Including Representation by the Commission.**
11. **Receive Information on Transportation Planning Workshops Sponsored by CALTRANS.**
12. **Receive Information on the "Rural to Urban Transportation Connections Program" Sponsored by the Sacramento Area Council of Governments.**
13. **Receive Informational Update on the State Water Plan Update Process Sponsored by the Department of Water Resources.**
14. **Receive Informational Update on the Department of Water Resources FloodSAFE Program.**
15. **Receive Informational Update on the Bay Delta Conservation Plan Process.**

No action was taken on the Consent Agenda. Items were informational only.

REGULAR AGENDA (Items 16-21)

16. **APPROVE Minutes of August 19, 2009 Meeting of the Commission.**

Commissioner Goulart moved approval of the minutes; Commissioner McGowan seconded. The minutes were approved unanimously.

17. **CONSIDER FOR ADOPTION Commission Staff Recommendation to Change the Start Time of Commission Meetings to 3:30 p.m. (rather than 5:30 p.m.) in Order to Address the Impacts of Budgetary Restrictions on the Availability of Meeting Venues.**

Executive Director Fiack requested that the Commission consider adopting an earlier meeting start time. She explained that it is becoming increasingly difficult to secure meeting venues in the Legal Delta due to budgetary and staffing constraints of entities responsible for facilities.

Staff was directed to include the item for further discussion and consideration at the November 12, 2009 meeting.

18. **RECEIVE Presentation From a Representative of the Office of the State Attorney General on Bagley-Keene Meeting Requirement Amendments of Relevance to the Commission.**

Matt Campbell, Office of the Attorney General reported that recent legislation amended the Bagley-Keene law whereby the law has relaxed the stance of what constitutes discussion and deliberation of a meeting. He clarified that pursuant to the amendment a state agency official that provides information to a majority of an established body is not prohibited as long as the person is not commenting on a position.

Commissioner Mark Wilson asked if a member would be able to contact the minimum number of Commissioners to survey ideas. Mr. Campbell responded that the action was not prohibited, but would not be recommended because the number of members contacted could innocently go over the limit—thus violating the law.

**19. Update of the 1995 Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan).**

- A. RECEIVE Goals and Policies of the Management Plan Discussed at the Commission Meeting on May 21, 2009 for Which Action was Taken by the Commission on August 19, 2009 to “Place on Agenda for Further Consideration and Possible Adoption” (Tentatively at the November 12, 2009 Meeting of the Commission): Land Use Policies 1, 5, 7 and 9; Agriculture Policies 3, 4 and 7; Natural Resources Policy 7; Water Policy 4; Utilities and Infrastructure Policies 2, 3, 4 and 6; Levees Policies 3, 5 and 7; and Recreation and Access Including Marine Patrol, Boater Education and Safety Programs Policies 1, 3, 6, 7, 8, 9, 10 and 14 (Attachment 19A).**

The goals and policies were received without amendment.

- B. RECEIVE Goals and Policies of the Management Plan for Which Action was Taken by the Commission, Pursuant to Discussion on August 19, 2009, to “Place on Agenda for Further Consideration and Possible Adoption” (Tentatively at the November 12, 2009 Meeting of the Commission): Land Use Goal and Policies 2, 3, 4, 6, 8, 10, 11 (a and b), 12 (deleted), 13 (moved to Goal), 14, 15 (deleted) and 16; Agriculture Goal and Policies 1, 2, 5, 6, 8 and 9 (addition); and Natural Resources Goal and Policies 1 (moved to Agriculture Goal), 2 (moved to Land Use Policy 6), and 3 (Attachment 19B).**

The goals and policies were received without amendment.

- C. DISCUSS AND CONSIDER PLACING ON AGENDA FOR FURTHER CONSIDERATION AND POSSIBLE ADOPTION (TENTATIVELY AT THE NOVEMBER 12, 2009 MEETING OF THE COMMISSION) the Goals and Policies of the Management Plan Provided in the Draft Revised Management Plan Dated May 7, 2009 (excepting those policies noted herein under Agenda Items 19A and 19B) Taking into Consideration Comments Provided Subsequent to, or not Considered at, the May 21, 2009 and August 19, 2009 Meetings of the Commission (Attachments 19C-1 and 19C-2):**

- i. Natural Resources (continued beginning with Policy 4);**
- ii. Recreation and Access, Including Marine Patrol, Boater Education and Safety Programs;**
- iii. Water;**
- iv. Levees; and**
- v. Utilities and Infrastructure.**

Commissioner van Loben Sels requested that a roll call vote be taken at the November 12, 2009 meeting on the more controversial policies, which include Land Use Policies 3, 4, 11A and 11B; and Ag Policies 5, 6, 9, and 10.

Ms. Fiack clarified that adoption of all the policies at a subsequent meeting would take a formal voice vote.

Natural Resources Policies not considered under Agenda Item 19 were discussed with the facilitator

leading the discussion. At the conclusion of the discussion, it was determined by the Commission to place on the November 12, 2009 agenda for further consideration and possible adoption Natural Resources Policies 4, 6, 8 (move to be second policy), 9 (deleted), 10, 11 (moved to be first policy), and 12.

Staff was directed to return with Policy 5 for further discussion at the November 12, 2009 meeting.

Recreation Policies not considered under Agenda Item 19 were discussed with the facilitator leading the discussion. At the conclusion of the discussion, it was determined by the Commission to place on the November 12, 2009 agenda for further consideration and possible adoption Recreation Policies 2, 3, 4 (removed and combined with 3), 5, 11, 12, 13 and 14.

Pursuant to recommendation of the Commission, Commissioner Becerra stated that she would draft language on the subject of patrols and law enforcement to be incorporated where appropriate.

Water Policies not considered under Agenda Item 19 were discussed with the facilitator leading the discussion. At the conclusion of the discussion it was determined by the Commission to place on the November 12, 2009 agenda for further consideration and possible adoption Water Policies 1, 2 (moved Natural Resources) and 3 (deleted).

Commissioner Martin noted she was not supportive of vector control reference in Water Policy P-2.

Levees Policies not considered under Agenda Item 19 were discussed with the facilitator leading the discussion. At the conclusion of the discussion it was determined by the Commission to place on the November 12, 2009 agenda for further consideration and possible adoption Levees Policies, 1, 2, 4, 6 8 and 9.

Commissioners Ferguson, Goulart, McGowan, Reagan and Mark Wilson noted that they were not supportive of Policy 1.

Utilities and Infrastructure Policies continued to next meeting of the Commission.

- D. i. RECEIVE Overview and Chapter Introduction Components of the Management Plan Provided in the Draft Revised Management Plan Dated May 7, 2009, Taking Into Consideration Comments Provided Subsequent to, or not Considered at, the May 21, 2009 Meeting of the Commission (Attachment 19D);**
- ii. RECEIVE AND DISCUSS Draft Amendments to the Overview and Chapter Introduction Components of the Management Plan Provided by Staff Pursuant to Review and Discussion by the Management Plan Update Document Review Subcommittee Appointed by the Commission (see Attachment 19D; Column 3); and**

**iii. PLACE ON AGENDA FOR FURTHER CONSIDERATION AND POSSIBLE ADOPTION (tentatively at the November 12, 2009 Meeting of the Commission) the Overview and Chapter Introduction Components of the Management Plan as Revised Pursuant to Commission Discussion.**

This item was continued.

**E. RECEIVE AND DISCUSS Preliminary Draft Glossary Prepared by Staff Pursuant to Discussions of the Management Plan Update Advisory Team, and Provide Input to Staff for Finalization and Consideration at the November 12, 2009 Meeting of the Commission (Handout).**

This item was continued.

**F. CONDUCT PUBLIC HEARING (Pursuant to PRC Section 29762) to Receive Comments on the Draft Revisions and Amendments to the Management Plan.**

Chair Nottoli and Vice Chair van Loben Sels convened the public hearing for each section. There were no speakers. Chair Nottoli and Vice Chair van Loben Sels closed the public hearing.

**G. CONSIDER APPOINTMENT of a Sub-committee, or Sub-committees, of Members of the Commission if Determined Necessary in Order to Address Outstanding Policy and Other Related Issues to Successfully Conclude the Process for Updating the Management Plan.**

No action taken.

**H. Provide Input and Direction to Staff, and Review Next Steps and Timeframe in Preparation for November 12, 2009 Meeting of the Commission.**

Pursuant to Commission discussion staff was directed to include the three legs of the stool (agriculture, habitat and recreation) and language supportive of economic development throughout the document where determined to be appropriate.

**20. Commission/Staff Comments and/or Updates.**

There were no comments or updates.

**21. ADJOURN**

The meeting was adjourned at 6:15 p.m.