

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, January 28, 2010

City of West Sacramento – Galleria  
1110 West Capitol Avenue  
West Sacramento, California 95691

ADMINISTRATIVE AGENDA (Items 1-3)

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

Vice Chair van Loben Sels called the meeting to order at 5:35 p.m.

**2. Roll Call.**

**Present:** Chair Nottoli; Commissioners Armor, Brand, Cabaldon, Dawson, Kelly, McGowan, Piepho, Ray, Ruhstaller, Scriven, van Loben Sels, Vick, Daniel Wilson, and Mark Wilson.

**Absent:** Becerra, Eggman, Ferguson, Johnston, Pegos, and Reagan.

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

No one addressed the Commission.

CONSENT AGENDA (Items 4-13)

Linda Fiack moved Item 5 to the Regular Agenda.

Commissioner McGowan moved approval of the remainder of the Consent Agenda; Commissioner Daniel Wilson seconded. The motion was approved unanimously (Chair Nottoli and Commissioner Ray were not present during voting).

REGULAR AGENDA (5, 14-18)

**5. APPROVE 2010 Rulemaking Calendar and Legislative Reporting Requirements.**

Linda Fiack reported that the projected date for review by OAL on the Rulemaking Calendar had been changed from January 28, 2010 to March 1, 2010.

Commissioner Daniel Wilson moved approval of the 2010 Rulemaking Calendar as amended; Commissioner Piepho seconded. The motion was approved unanimously.

**14. RECEIVE Informational Presentation from the Contra Costa Water District on “Historical Salinity in the Delta.” (10 minutes).**

Greg Gartrell, CCWD gave an overview of the CCWD’s report on the freshwater and salinity conditions in the Sacramento-San Joaquin Delta. He also passed out a brochure on the highlights of the report.

**15. Adoption of Regulations for the Proposed Amendment of the Land Use and Resource Management Plan for the Primary Zone of the Sacramento-San Joaquin Delta.**

- A. RECEIVE (as informational reference) Goals and Policies of the Draft Management Plan Considered and Approved by the Commission on May 21, 2009, August 19, 2009, September 24, 2009 and November 12, 2009 for Recommended Adoption as a Regulation. (Attachments 15.A. 1, 2, 3, and 4).**

This item was informational only.

- B. RECEIVE AND CONSIDER FOR ADOPTION Proposed Amendments to the Management Plan as a Regulation (Title 14, CCR, Sections 20030-20110) Governing Land Use and Resource Management in the Primary Zone of the Sacramento-San Joaquin Delta Pursuant to Public Resources Code, Sections 29760-29767.**

This item was informational only.

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

Chair Nottoli convened the public hearing. There were no speakers. Chair Nottoli closed the public hearing.

- D. CONSIDER AND APPROVE Summary of Response to all Environmental Comments Received Relative to the Proposed Amendment of the Management Plan and Adoption of Regulation.**

Linda Fiack reported that a comment letter was received from Nicky Suard, Snug Harbor Marina, and that Commission staff responded to Ms. Suard's comments by letter (letter provided to Commission members).

Commissioner McGowan moved approval of the Responses to the Environmental Comments Received; Commissioner Daniel Wilson seconded. The motion was approved unanimously.

- E. DETERMINE that the Proposed Amendments to the Management Plan and Adoption of Regulation Would Not Result in Any Significant Adverse Environmental Impacts.**

Commissioner McGowan moved that the proposed amendments to the Management Plan and Adoption of Regulations would not result in any significant adverse environmental impacts; Commissioner Cabaldon seconded. The motion was approved unanimously by voice vote.

- F. ADOPT Proposed Amendments to the Management Plan as a Regulation (Title 14, CCR, Sections 20030-20110) Governing Land Use and Resource Management in the Primary Zone of the Sacramento-San Joaquin Delta Pursuant to Public Resources Code, Sections 29760-29767.**

Commissioner McGowan moved approval to adopt the proposed amendments to the Management Plan as a Regulation; Commissioner Piepho seconded. The motion failed 11:4 by voice vote.

Ayes: Nottoli, Cabaldon, Dawson, McGowan, Piepho, Ruhstaller, Scriven, van Loben Sels, Vick, D. Wilson and M. Wilson

Noes: Armor, Brand, Kelly, and Ray

Dan Siegel announced that the motion failed. He stated that because the action involved the approval of a regulation the motion would have to be approved by a majority of all members of the Commission (12 of 23) and not a majority of those present.

Commissioner McGowan asked for the reasoning for the no votes.

Commissioner Kelly stated that two sections of the proposed Management Plan moved forward that she had concerns with; therefore, she could not approve the Management Plan as a whole.

Commissioners Armor, Brand and Ray stated that they agreed with Commissioner Kelly.

Chair Nottoli announced that Agenda Item 15F would continue to the next regular meeting.

**G. DIRECT the Executive Director to Complete the Administrative Process, Including Making Non-Substantial Changes to the Proposed Amendments to the Management Plan and/or Regulations if Determined Necessary by the Office of Administrative Law.**

There was no action on this item.

**16. RECOGNIZE Departing Commissioners for Service to the Commission**

Chair Nottoli reported pursuant to changes in the makeup of the Commission, effective February 4, 2010 (SBX7 1) this would be the last meeting for Commissioners Armor, Becerra, Dawson, Eggman, Johnston, Kelly, Ray, Vick, Daniel Wilson and Mark Wilson. He thanked them for their service to the Commission.

**17. RECEIVE Informational Update from Staff on Implementation of Provisions of Senate Bill X7 1 (effective February 4, 2010), Including Governor's 2010-2011 Budget Recommendations (consistent with the Budget Change Proposal submitted by Commission staff in consultation with the Commission Budget Committee).**

Linda Fiack reported that among other responsibilities the legislation requires the Commission to submit a report to the Legislature providing a recommendation relative to the potential expansion of the Primary Zone in specific geographic areas, no later than July 1, 2010. She stated that Commission staff will be providing a concept to the Commission for the process to accomplish the task within the required timeline.

Commissioner McGowan stated that he hoped the Commission would be aggressive in making recommendations to the Stewardship Council.

Commissioner Cabaldon stated that the Commission should have monthly meetings. He also said that the agency secretaries on the Commission should attend, along with their designees.

**18. ADJOURN**

The meeting was adjourned at 6:40 p.m.