

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, March 25, 2010

City of Isleton – Community Center
208 Jackson Blvd.
Isleton, California 95641

ADMINISTRATIVE AGENDA (Items 1-4)

1. Call to Order/Flag Salute.

Chair Nottoli called the meeting to order at 5:45 p.m.

2. Welcome Commission Members

Chair Nottoli welcomed Commissioner Gregg Albright. Commissioner Albright represents the Business, Transportation and Housing Agency on the Commission.

3. Roll Call.

Present: Chair Nottoli; Commissioners Albright, Brand, Eggman, Ferguson, Goulart, Pegos, Provenza, Reagan, Ruhstaller, Snow, van Loben Sels and Vick.

Absent: Commissioners Cabaldon and Scriven.

4. 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 5-11)

Commissioner Pegos moved Item 11 to Regular Agenda.

Vice Chair Regan moved approval of the remainder of the Consent Agenda; Commissioner Pegos seconded. The motion was approved unanimously by voice vote.

REGULAR AGENDA (11, 12-18)

11. Receive Information From the Water Education Foundation Relative to Upcoming Educational Activities in the Delta.

Commissioner Pegos noted that the Water Education Foundation (WEF) does an excellent job in providing educational tours for the public relative to water related issues and activities.

Linda Fiack reported on the WEF annual Executive briefing and noted that she participated on a panel devoted to the Delta. She also reported that WEF would be conducting several upcoming tours including one relative to central valley flood management and another that is a walking tour of the Suisun Marsh in addition to the annual Delta tour.

Commissioner Ruhstaller noted that Ms. Fiack did an outstanding job on the Executive Briefing panel. He also announced that the flood management tour would leave from Stockton in May 2010.

12. Receive Report from the Executive Committee and Act on Recommendations as Determined Appropriate Pursuant to Commission Member Discussion:

A. Update on the Delta Stewardship Council and Delta Conservancy, and Appointment of a Representative of the Commission to Serve on the Conservancy.

Commissioner Snow reported that the Governor and Senator Darrell Steinberg made appointments to the Council and the first meeting would take place on April 1, 2010.

Relative to the Delta Conservancy, Vice Chair Reagan introduced Eddie Woodruff, former mayor of City of Rio Vista, as the Solano County representative; Chair Nottoli announced that Supervisor Jimmie Yee would serve as the Sacramento County representative; Commissioner Provenza announced that he would serve as the Yolo County representative and Commissioner Mike McGowan would serve as his alternate; Commissioner Ruhstaller announced that Supervisor Ken Vogel would serve as the San Joaquin County representative; and Commissioner Goulart announced that Mary Piepho would serve as the Contra Costa County representative John Kopchick (Contra Costa County HCP) would be her alternate.

As to the Commission's appointment of a representative on the Conservancy Advisory Committee, Commissioner van Loben Sels nominated Mark Wilson as he has attended many of the BDCP hearings and has been engaged in many of the other relevant processes. Commissioner Pegos asked that his name be considered to serve as Mr. Wilson's alternate. Commissioner van Loben Sels moved that Mark Wilson be appointed to serve on the Advisory Committee pursuant to the provisions of SBX7-1 and Commissioner Pegos be appointed to serve as his alternate; Vice Chair Reagan seconded. The motion was approved unanimously by voice vote.

Staff will provide a letter to the Acting Director of the Conservancy noting the appointment.

B. Committee Appointments and Terminations, Including Appointment of an Advisory Committee Pursuant to Provisions of SB X7 1

Ms. Fiack reported that the Executive Committee met and developed recommendations to establish Commission committees as Select, Appointed, and Advisory. She stated the Select Committees would address on-going topics, Appointed Committees would address representation on efforts outside of those initiated by the Commission, and Advisory would address those instances calling for advisory support to the Commission, including as provided in SB X7 1.

Pursuant to Commission discussion the following Standing Select Committees were appointed:

AGRICULTURE & LEVEES COMMITTEE

Commissioners Ferguson, Pegos and van Loben Sels;

ECONOMIC SUSTAINABILITY PLAN

Commissioners Albright, Eggman, Ferguson, McGowan, Pegos, Piepho, Ruhstaller and Vick;

EXECUTIVE

Commissioners McGowan, Nottoli and Reagan (only two at a time);

LEGISLATION

Commissioner Provenza;

PERSONNEL RECRUITMENT (Executive Director Recruitment)
Commissioners Brand, Eggman, Ferguson, McGowan, Piepho and Reagan;

PRIMARY ZONE STUDY
Commissioners Albright, Cabaldon, Ferguson, Pegos, Piepho, Ruhstaller and vick.

Pursuant to Commission discussion the following Appointed Committees were appointed:
DELTA CONSERVANCY
Mark Wilson (former Commissioner); Commissioner Pegos (alternate);

DELTA LONG-TERM MANAGEMENT STRATEGY FOR DREDGING (Executive
Committee)
Vice-Chair Reagan;

CALIFORNIA AQUATIC INVASIVE SPECIES MANAGEMENT TEAM
Commissioners Brand and Pegos.

Pursuant to Commission discussion it was agreed to that Commissioners Pegos and Reagan would draft recommendations for the Advisory Committee to be appointed pursuant to the requirements of SB X7 1 for discussion at the April Commission meeting.

Chair Nottoli invited public comment.

Rob Wainwright asked if those interested in serving on the SBX 7 1 Advisory committee should submit a letter or just show up to the next Commission meeting. Chair Nottoli responded either approach would be considered.

C. Recruitment for the Executive Director Position

Ms. Fiack reported that the vacancy announcement for the Executive Director position was publicly circulated beginning March 22, 2010 with the final filing date of April 5, 2010. Applications will be screened by State Lands Commission personnel staff, who serve the Commission under contract to perform personnel administration duties, to assure that minimum qualifications are met. Preliminary interviews will be held on April 21, 2010 and the Executive Committee will hold finalist selection interviews on May 13, 2010 in order to provide recommendations to the Commission in closed session May 20, 2010. The appointment must be made prior to June 30, 2010.

D. Legislation

Ms. Fiack reported that SB 1443 (Simitian) allows for a time extension for the Sacramento-San Joaquin Multi-Hazard Coordination Task Force report to be submitted to the Legislature as called for under SB 27. She said a bill analysis was prepared and staff took a neutral position; however, she recommended that the Commission adopt a position of support. Vice Chair Regan moved for a Support position on SB 1443; Commissioner Ruhstaller seconded. The motion was approved 12:0:1. Commissioner Goulart abstained.

Ms. Fiack reported that AB 2336 (Fuller) mandates the Delta Stewardship Council to assess the adverse impacts of invasive species predation on native species, evaluate predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommend

changes in law and actions by state agencies to remedy the situation in a timely manner. Ms. Fiack said that the Commission opposed similar bills in the past; however, she recommended a neutral position or “watch” action be taken at this time until more information is available.

Chair Nottoli invited public comment on the item.

Gary Adams, California Striped Bass Association stated that AB 2336 is different from other bills in that it calls for the removal of Striped Bass as sport fishing. Mr. Adams stated that the Rio Vista Chamber of Commerce and other entities have submitted letters in opposition to the legislation and asked for the Commission’s opposition as well. He provided a position letter from the Allied Fishing Groups.

Commissioner Snow reported that more work must be done on the issue to identify other stressors and as such he would be against opposing the bill at this time. Commissioner Brand stated that she agreed with Secretary Snow as the science is still in process of studying all the stressors, including the methylmercury issue.

Vice Chair Reagan suggested that staff inform the legislature that there is an economic component in the legislation that has been neglected to date. Commissioner Vick said that she agreed with Commissioner Reagan regarding the economic impacts that should be pointed out. She also said the Commission should watch the legislation very closely as she is concerned with the enormous economic impact on recreational fishing.

Chair Nottoli asked that Commission staff watch the legislation and bring the item back at the April 22, 2010 meeting.

E. Office Relocation

Ms. Fiack reported that staff is currently working with the Department of General Services to identify office space for relocation of existing staff and to provide expansion for additional staff assuming the Governor’s proposed budget allocations are approved calling for six new positions. She stated that space has been identified through the required solicitation process and that given sites need to be AD compliant and ideally not require retrofitting most of the sites are located in the South Port and West Sacramento areas (near the Port).

Commissioner Pegos asked if the new Executive Director would be involved in the selection of the new office. Ms. Fiack responded most likely, as the process is anticipated to take 3-6 months to complete. Commissioner Eggman asked if the relocation must be at a state building. Ms. Fiack responded no, but the building must be located in the legal Delta and selection is subject to state mandates and facilitation by Department of General Services.

13. Receive Report From Executive Director and Act on Recommendations as Determined Appropriate Pursuant to Commission Member Discussion.

Ms. Fiack encouraged Commissioners to review the Executive Director's report that is often included on the consent agenda as many times detailed information is provided that would be of interest. Vice-Chair Reagan suggested that status updates or presentations beyond what is provided in the Executive Director's report be provided as determined appropriate.

14. Receive Update From the Commission Primary Zone Study Committee and Direct Staff to Continue to Implement the Study Process Pursuant to Committee Recommendations.

Ms. Fiack reported that the Primary Zone Study Committee met, reviewed the initial concept materials provided at the last Commission meeting, and developed a revised concept. An Request for Proposals (RFP) has been distributed for a three-week solicitation for consultant services. The proposals are due on April 12, 2010; the Primary Zone Committee will conduct interviews of the top three qualifying consultants on April 22, 2010 and a selection should be made by May 1, 2010.

Commissioner Snow said that the Natural Resources Agency should be able to contribute \$10,000-\$15,000 to help supplement the effort. He encouraged the other State representatives on the Commission to also contribute.

Chair Nottoli invited public comment on the item.

Bill Geyer, Resources Landowners Coalition, stated that the Coalition believes the Commission is the right agency to conduct the Primary Zone Study. Mr. Geyer said that the Coalition believes the procedure should include a public input process and that he agrees with the criteria set to identify the Primary Zone status. He stated that he is concerned with the tight time frame set by the Legislature, and he is concerned that some of the lands mandated for review are not defined. He said his group is available to assist the Commission in the process and provided a letter outlining the Coalition's comments. Richard Lyon, California Building Industry Association (BIA) stated that BIA has an interest in the Delta and would like to participate in the process and help the Commission in any way necessary.

15. Discuss the Preparation of an Economic Sustainability Plan for the Delta, Pursuant to Provisions of SB X7 1

- A. Appoint a Committee of the Commission to Develop and Guide the Process for Preparation of the Plan; and**
- B. Provide Direction to Staff to Conduct the Process Pursuant to Direction of the Committee.**

Ms. Fiack stated that the Commission should begin its information gathering for the preparation of the Economic Sustainability Plan and suggested monthly presentations before the Commission from various existing economic development entities. She said that despite current funding challenges to initiating the process, it is recommended the Commission appoint a Committee to start convening to develop a process outline. She asked if the Commissioners would like to have a panel speak at the next Commission meeting.

Chair Nottoli suggested that the panel presentations should wait until the Committee is appointed and has had its first meeting. Several Commissioners expressed interest in being on the Committee. Commissioner Ruhstaller moved to appoint Commissioners Albright, Eggman, Ferguson, McGowan, Pegos, Piepho, Ruhstaller, and Vick to the Economic Sustainability Committee; Vice Chair Reagan seconded. The motion was approved unanimously by voice vote.

16. Discuss the Development of Principles for Providing Influential Guidance Into the Process for the Development of the Delta Plan by the Delta Stewardship Council.

Ms. Fiack reported that this item was placed on the agenda pursuant to direction from Commissioner McGowan during discussions at the January and February Commission meetings. Commissioner Provenza responded that the intent of the agenda item is to make sure that any principles developed by Commission and submitted to the Stewardship Council are clear, concise, stated up front and in writing.

Commissioner Eggman asked that a draft be provided so the Commission would have a working document. Staff was directed to include the item on the next meeting agenda for further discussion.

Commissioner Goulart asked if the Commission would be interested in submitting a letter or other transmittal document to the Stewardship Council to make the Commission's interests known. Commissioner Snow suggested that Chair Nottoli make the Commission's interests known at the upcoming Council since he serves as a member of the Council.

17. Commission and Staff Comments/Announcements

There were no comments or announcements.

18. ADJOURN

The meeting was adjourned at 8:15 p.m.