

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, March 24, 2011

Courtland Auditorium  
146 Primasing Avenue  
Courtland, California 95615

ADMINISTRATIVE AGENDA

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

Vice Chair Reagan called the meeting to order at 5:40 p.m.

**2. Welcome Commission Members.**

Vice Chair Reagan welcomed Commissioners and guests to the meeting.

**3. Roll Call.**

Present: Chair Nottoli; Commissioners, Bugsch, Ferrara, McGowan, Reagan, Ruhstaller, van Loben Sels, and Vick.

Absent: Commissioners Cabaldon, Eggman, Ferguson, Piepho, 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**

**5. Approve Minutes of January 26, 2011 Meeting.**

**6. Receive Information Update on Presentations Made to Contra Costa and Solano Counties Relative to the Great California Delta Trail Blueprint Report for Contra Costa and Solano Counties.**

**7. Receive Informational Update on the Delta Agri-Tourism Public Workshop Held on February 2, 2011.**

**8. Receive Update on the National Heritage Area Process Underway Pursuant to Provisions of SBX7-1, Including Update on Related Federal Legislation.**

Mike Machado asked that Agenda Item 8 (National Heritage Area) be removed from the Consent Agenda.

Commissioner Ruhstaller moved approval of the remainder of the Consent Agenda (Items 5, 6, 7); Commissioner McGowan seconded. The remainder of the Consent Agenda was approved unanimously by voice vote.

## **REGULAR AGENDA**

### **9. A. Receive Report on Award of the Economic Sustainability Plan Study—Phase II. B. Ratify Contract Agreement.**

Mike Machado announced that the Request for Proposal for the Economic Sustainability Plan Study contract was disseminated, a contract was awarded, but that award generated a few protests. After the protests were reviewed, the contract was ultimately awarded to the University of the Pacific, has been signed by both parties, and is currently awaiting approval by the Department of General Services. Mr. Machado asked that the Commission vote to ratify the contract.

Commissioner Ruhstaller moved to ratify the contract with the University of the Pacific; Commissioner Vick seconded. The motion was approved unanimously by voice vote.

### **10. Receive Presentation From University of the Pacific (UOP) Relative to the Economic Sustainability Plan Study—Phase II.**

Dr. Jeffrey Michael, UOP, Business Forecasting Center, gave an overview of UOP's experience and qualifications to lead the charge of the ESP Study. Dr. Michael reported that UOP is currently working with planners on the project, but will have separate planners to handle the legacy communities, and a subcontractor to handle outreach. He said a working tour of the Delta has been scheduled for outreach and distributed a deliverables schedule with May 20, 2011 as the target date to have working papers 1-7 available for review and comment.

Commissioner Reagan asked for the definition of key industries and how other industrial sectors would be folded into the ESP Study. Dr. Michael responded that key industries were defined by the consulting team. The team would be reviewing the Primary and Secondary Zones, and look beyond key drivers to try to find alternative sectors. He also said the team would pull information from current technology data; and would review all county general plans, BDCP, the Delta Plan, and per review data.

Commissioner Vick asked if all documents should be reviewed by the ESP Committee. Mr. Machado responded there was no need to do so, as the materials would be brought before the full Commission at the next regularly scheduled meeting.

Commissioner Ferrera asked what was the difference between the stakeholder general public report and the final outreach report. Dr. Pogue responded that the stakeholder report is focused on a certain sector, while the other report included more of the general public.

### **11. Discuss the Delta Stewardship Council's Delta Plan and Other Issues Related to the Delta Reform Act, SBX7-1, and Possible Actions by the Commission.**

Mr. Machado stated that in reviewing the establishment of the DSC, the agency is very broad with its authority and will rely on adaptive management to be an appeal body with oversight from the Oregon border to the Mexico border. The Delta Plan will require attention from the Commission, particularly with respect to how testimony before the DSC is being considered. Mr. Machado further stated that the DSC is formulating regulations and is not responding to comments since many comments speak on specifics only, and despite the fact that there is the Five Counties Coalition, the Commission and the Chair of the Commission (who is a member of

the DSC), there is no intersect between the groups and the Commission should discuss how engaging it would like to become with all the processes taking place.

Commissioner McGowan asked if there was a meaningful way for the Commission to be part of the proceedings and get a priority focus. Mr. Machado responded that since there is no formal agreement for the five Delta Counties for flood control, the Commission should either act as a middleman or take on some type of significant role. He said there should be a differentiation between the Primary and Secondary Zones, and the Commission should look at where counties have the strongest voice, as the DSC could oversee the Secondary Zone, while the Commission would only have authority over the Primary Zone. Mr. Machado further stated that the Commission should explore having input in the areas of land use, flood control and emergency response.

Commissioner McGowan stated that it was worth the exercise to deal with the Primary Zone designation and the Delta's economic sustainability. He also stated that the Commission must get ahead of the Secondary Zone issue as the DSC could far surpass anyone's authority. He said that flood control, emergency preparedness, and levee issues are areas the Commission should focus on and be in control of. Commissioner McGowan further stated that within the respective counties, conversations have been taking place. He asked that there be no April meeting as the Commission will need to have a working session to discuss what the Commission's concerns/responsibilities are.

Chair Nottoli stated that the Commission should review the Land Use and Resource Management Plan (Management Plan) and refer to it. Commissioner McGowan stated that he agreed, as the focus should be reset to the Management Plan. Furthermore, the Commission should advocate how the Delta Plan can conform to the Management Plan. Mr. Machado responded while it is a good idea, the DSC has seen inconsistencies with the Management Plan and the co-equal goals. He suggested that the Commission retain its ESP Framework consultants and allow them to review the various draft documents for consistency.

#### Public Comments

Pete Kutris, Delta Counties Coalition agreed with Mr. Machado over the flood control issue. Mr. Kutris said the DSC wants to overturn the Paterno decision. He further said that he has spent time with the DSC and Chair Isenberg, and noted that no weight is being given to the Commission's work products.

Connie Ford, Sacramento County Water Resources, said that she has been attending DSC meetings and watching the process unfold. Ms. Ford said the Commission should help the DSC as the Science Board is not happy that the documents coming from the DSC are not based on sound science, nor have the documents provided by the Science Board been taken into consideration for the Delta Plan. Ms. Ford said she is concerned that although the DSC is internally renowned, it does not know the specifics of the Delta. Ms. Ford also announced that the Science panel is looking for a new lead scientist.

**12. Receive Report From the Executive Director and Executive Committee, Including Informational Updates on Delta Stewardship Council and Delta Conservancy Activities, and Other Delta Initiatives and Commission Activities Underway.**

Mr. Machado asked that Commissioners review the Executive Directors report.

**13. Comments and Announcements From Members of the Commission and Staff.**

Marc Ceccarelli, Environmental Planner, announced that Commission staff would co-host a booth with the Department of Boating and Waterways, and other agencies at the “Boating Clean” show in Sacramento. Mr. Ceccarelli unveiled the signage that is part of the Commission’s marketing materials.

Alex Westhoff, Environmental Planner distributed and explained the Commission’s new brochure. The brochure is part of the Commission’s marketing materials to highlight Commission activities.

Commissioner Bugsch asked how the Commission would approach legislation. He also asked the status of the abandoned vessels legislation. Mr. Machado responded that the Commission does take positions on legislation when necessary, and recommendations on legislation are provided if asked for by the Governor’s Office or Resources Agency. He also noted that the Abandoned Vessels group would reconvene to bring local agencies together for discussion.

Commissioner McGowan said that the Commission had previously taken positions on legislation; however, the Commission struggled with taking a position on legislation because state agency representatives would abstain from voting.

**14. ADJOURN.**

The meeting was adjourned at 7:40 p.m.