



**FINAL Summary Minutes of the
Delta Protection Commission Meeting
Thursday, November 20, 2014**

The Old Sugar Mill, Barrel Room
35265 Willow Avenue, Clarksburg, CA 95612

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute

Vice Chair Piepho called the meeting to order at 5:35 p.m. and initiated the flag salute.

2. Welcome & Roll Call

Present: Vice Chair Piepho, Commissioners Gillies (alternate for Bugsch), Cabaldon, Eddy (alternate for Ross), Ferguson, Ferrara (alternate for Laird), Nottoli (arrived at 7:10 p.m.), Richardson, Scriven, Thomsen, and van Loben Sels.

Absent Commissioners with no alternate present: Commissioners Ruhstaller, Miller, White and Villegas.

A quorum was established.

3. Public Comment – an opportunity for the Public to address the Commission regarding Items not on the Agenda

Vice Chair Piepho welcomed the other members of the Commission, staff, and audience members. She asked for any public comments and requested that speakers comments be limited to no more than three minutes each.

Barbara Daly, resident of Clarksburg and member of the Delta Protection Advisory Committee, read Recreational Boaters of California call to action urging boaters to immediately contact their elected representatives for emergency action to be taken on invasive water hyacinth blocking access in the Sacramento-San Joaquin Delta, with impacts on boating, recreation and marine-related businesses.

Bill Wells, Executive Director of the California Delta Chambers and Visitors Bureau and member of the Delta Protection Advisory Committee, also commented on the water hyacinth situation in downtown Stockton and the Delta. He commented that the recent spraying is ineffective and that the 35th Lighted Boat Parade may be cancelled for the first time ever.

Mark Pruner, Chair of the Delta Protection Advisory Committee (DPAC), commented that the Committee is committed to getting to work quickly. Ten subjects are outlined in the DPAC charter, and the next step will be to advise the Commission on the Strategic Plan. He requested that DPAC updates be a regular Commission agenda item.

CONSENT AGENDA

- 4. Approval of September 25, 2014 Meeting Minutes**
- 5. DPC Conflict of Interest Code**
- 6. Commission 2015 Meeting Calendar**

On Item 5, Commissioner Cabaldon asked about the rationale for the staff planner having broader reporting obligation and broader conflict designation than the staff scientist classification. He also commented that it is prudent to apply the same standards across the board. Mr. Vink responded that the Commission's primary responsibility is land use regulation consistent with the statute, and that the Commission does not have primary responsibility for Delta science efforts.

Vice-Chair Piepho asked if this item should be held off for consideration. Deputy Attorney General Michael Crow advised that any changes made would require the document to go back out for public review. There were no comments from the public received on the proposed Code.

Vice-Chair Piepho asked for a motion to approve the September 2014 minutes and the Commission's 2015 meeting calendar, while directing staff to provide additional clarification of the responsibilities of the scientist classification in the Conflict of Interest Code.

It was moved by Commissioner Cabaldon and seconded by Commissioner Eddy to approve Items 4 and 6 of the Agenda and refer item 5 back to staff. In a voice vote the motion carried unanimously, with Commissioner Thomson abstaining.

REGULAR AGENDA

- 7. Receive Executive Director's Report**

Executive Director Erik Vink presented his report to the Commission: Delta Awareness Campaign current status and upcoming efforts; Delta Flood Preparedness Week (October 20 – 25, 2014); land use review comments made by staff from September 16 to November 14, 2014; Congratulations to former Commissioner and Tyler Island farmer Steve Mello, recipient of the Sand Hill Crane Festival Conservation Farmer Award; the Delta Plan Interagency Implementation Committee meeting on November 17, with the Commission represented by Vice-Chair Piepho; Passage of Proposition 1; an update on DPC staffing (farewell to Bree Kaminskas and welcome to Jann Bullock); Strategic Planning efforts, including a subcommittee meeting on November 18 in Oakley; and upcoming events, including the scheduled lighted boat parade that may be cancelled due to the water hyacinth problem.

Vice-Chair Piepho asked for any Public Comments and there were none.

8. Appointment of Commission Chair and Vice-Chair

Mr. Vink reported that Chairman Ruhstaller leaves his San Joaquin County Supervisor seat on January 5, 2015 and that the Commission needs to appoint a new Chair and Vice-Chair effective that date. He reminded the Commission that the Chair is appointed from among the County Supervisor members and the rotation would next have Contra Costa in the Chair's spot and Solano County in the Vice-Chair's spot; the Chair also serves as a member of the Delta Stewardship Council.

It was moved by Commissioner Ferrara and seconded by Commissioner Richardson to select Commissioner Piepho as Chair and Commissioner Thomson as Vice-Chair; in a voice vote, the motion carried unanimously.

Vice-Chair Piepho announced that Chair Ruhstaller would be recognized at the January Commission meeting.

9. Receive Report on Delta Levee Investment Strategy

Vice-Chair Piepho introduced Cindy Messer, Deputy Executive Officer for Planning at the Delta Stewardship Council (DSC).

Ms. Messer presented an overview of the Delta Levee Investment Strategy. She spoke about why DSC is undertaking this effort, the expected outcomes, process and stakeholder engagements which are critical to the outcome of the strategy.

Mr. Vink updated the Commission on the Delta Flood Risk Management Assessment District Feasibility Study Request for Proposals (RFP). This RFP was originally advertised in September 2014 with no response received. The RFP was then re-advertised with a December 3, 2014 deadline for submittals. DPC expects to seek contract approval from the Commission at its January meeting with work expected to begin in February 2015 and conclude in early 2016. This work is funded through an Interagency Agreement with DWR.

Commissioner Cabaldon asked Ms. Messer how this effort improves upon or provides different information than the Central Valley Flood Protection Plan. Ms. Messer responded that this will coordinate all efforts and provides for a systematic approach to improving levees with limited funding. The project covers the Legal Delta and Suisun Marsh.

Commissioner Scriven commented that the top priority should be protecting landowners of the Delta.

Commissioner Eddy commented on highlighting Delta farmers and the need to reach out to others for advice and assistance.

Vice-Chair Piepho asked for any Public Comment.

Rogene Reynolds, Delta resident, suggested more meetings in the Delta, with sufficient notice provided. Barbara Daly asked about current efforts to improve Delta levees.

10. Receive Report on DWR/USBR Drought Contingency Plan

Mr. Vink introduced Paul Marshall, Chief of DWR's Bay-Delta Office, to discuss the October 15 – January 15 Drought Contingency Plan. Mr. Marshall presented the highlights of the Plan, including the critical drought situation and the plan for reservoir releases during this period to ensure a minimum Delta outflow in case there is insufficient precipitation. DWR will next update its Drought Contingency Plan on January 15, 2015.

Vice-Chair Piepho asked about whether DWR planned to install drought barriers in the coming year. Mr. Marshall responded that drought barriers would be employed as a last ditch effort when needed and that it would depend on the upcoming precipitation season.

Mark Wilson of Clarksburg asked whether DWR was looking at the same locations for barriers in Sutter and Steamboat Sloughs as last year; Mr. Marshall said they have looked at combining the proposed barriers at Sutter and Steamboat Sloughs into one barrier at the confluence of the two sloughs. Mr. Wilson asked if DWR looked at the feasibility of putting barriers at the south end of Steamboat Slough; Mr. Marshall responded that they did not look at this.

Mr. Vink asked whether the January 15 Drought Contingency Plan would recommend drought barriers, and when DWR would be expected to make a decision if not in the January 15 Plan. Mr. Marshall said he doubted that barriers would be included in the January 15 Plan because it would still be relatively early in the precipitation season. DWR would probably have some indication in February whether they would be looking at barriers, and repeated that they would be a last ditch effort.

Rogene Reynolds asked if it was true that the False River area on Jersey and Bradford Islands is ready for barriers. Mr. Marshall affirmed this and stated a stability berm had been built on each of the levees there and paid for by DWR subventions programs.

11. Commissioner comments/announcements

Commissioner Ferrara announced that work on the Bay Delta Conservation Plan comments was proceeding and that the recirculated EIR/EIS would be released in 2015. He also commented that the water hyacinth problem is a control program and not an eradication program. The State has spent \$9.1 million this fiscal year for hyacinth herbicide treatments, up from \$4.6 million annually 5 years ago. The herbicide application season extends to November 30 and mechanical harvesting and hand picking runs from December through March.

Commissioner Scriven asked why the water hyacinth problem is worse this year if more funding was available for herbicide treatment; Commissioner Ferrara attributed

it to the late start of herbicide applications, weather and drought conditions.
Commissioner Nottolli joined the meeting at 7:10 p.m.

Vice-Chair Piepho called for a break at 7:14 pm to clear the room for the closed session. She asked if any members of the public would like to comment on the Executive Director performance evaluation. No comment was received.

12. Closed Session – Executive Director Performance Evaluation

Vice-Chair Piepho reported that there was no action to report from the closed session. The open meeting resumed at 7:36 pm.

13. Consider Executive Director Salary Adjustment

Executive Director Vink reported on a recent California Department of Human Resources (CalHR) Memorandum that established the process for addressing salary adjustments to ensure that exempt position salaries are at least 2.5% to 5% above the salary of the highest subordinate classification reporting to the exempt position. The Commission is required by statute to fix the salary of the Executive Director (Public Resources Code section 29755).

It was moved by Commissioner Cabaldon and seconded by Commissioner Richardson to request CalHR to adjust the salary range for the DPC Executive Director to an amount that is 2.5% above the Program Manager II (Bay Delta Authority) range, and then to fix the Executive Director salary at the bottom end of this range; in a voice vote, the motion carried unanimously.

14. Adjourn

Vice Chair Piepho adjourned the meeting at 7:46 p.m.