



**DRAFT Summary Minutes of the
Delta Protection Commission Meeting
Thursday, March 19, 2015**

American Legion Post 178, Veteran's Memorial Hall
610 St. Francis Way, Rio Vista, CA 94571

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute

Vice Chair Thomson called the meeting to order at 5:30 p.m. and initiated the flag salute.

2. Roll Call

Present: Vice Chair Thomson, Commissioners Elliott, Ferguson, White (alternate for Kelly), Ferrara (alternate for Laird), Nottoli, Richardson, Eddy (alternate for Ross), Scriven, Silva, van Loben Sels, Villegas, and Ex-Officio Member Frazier. Commissioner Cabaldon arrived at 5:34 p.m., Commissioner Bugsch arrived at 5:57 p.m., and Ex-Officio Member Galgiani arrived at 6:21 p.m.

Absent Commissioners with no alternate present: Chair Piepho.

A quorum was established.

3. Welcome and Public Comment. Opportunity for the Public to Address the Commission Regarding Items Not on the Agenda

Vice Chair Thomson welcomed two new members to the Commission, Commissioner (and Mayor of Stockton) Anthony Silva and Ex-officio Member (and State Senator) Cathleen Galgiani.

Vice Chair Thomson asked for any public comments.

Joseph Rizzi, Natural Desalination, presented materials regarding a new form of offshore desalination.

Tim Neuharth, Sutter Island farmer, commented about the water hyacinth problem and the proposed drought barriers at Steamboat and Sutter Sloughs.

Barbara Daly, North Delta C.A.R.E.S. and Delta Protection Advisory Committee member, handed out "We Are One Delta" wrist bands and commented on the proposed drought barriers.

Vice Chair Thomson introduced Michael George, the new Delta Watermaster. Mr. George asked to be invited back for the May meeting to discuss a project to improve

the measurement of consumptive water use in the Delta through use of satellite imaging.

CONSENT AGENDA

4. Approval of January 15, 2015 Meeting Minutes

It was moved by Commissioner Richardson and seconded by Commissioner Ferrara to accept the January 15, 2015 minutes; in a voice vote, the motion carried unanimously.

REGULAR AGENDA

5. Executive Director Report

Executive Director Vink presented his report to the Commission: Delta National Heritage Act (NHA) legislation introduced in the House and Senate; Gregory Kondos, noted Delta Artist, and his wife Moni Van Camp are coordinating an art show of Delta landscapes over Memorial Day weekend; the Locke Centennial is scheduled for May 9, 2015 and the Commission is a sponsor; the Commission is submitting a Specialty Crop Block Grant proposal to California Department of Food and Agriculture; the Delta Awareness Campaign (a joint effort with the Delta Conservancy to draw attention to the Delta) is now developing a marketing plan, led by the Conservancy; the Bay Delta Conservation Plan (BDCP) recirculated EIS/EIR is expected to be released in April; there were only two land use comment letters since the last meeting; Delta emergency drought barriers are proposed for three locations in the interior Delta, and the Commission provided comments to DWR and the U.S. Army Corps of Engineers on potential impacts to agriculture and recreation in particular; the Commission welcomes new members Silva and Galgiani, and new Commission staff member Jennifer Ruffolo, who will be managing the Delta Flood Risk Management Assessment District Feasibility Study, the Economic Sustainability Plan (ESP) update, and the update to the LURMP; the Commission will be conducting interviews for the Senior Environmental Planner position and we hope to have a permanent Clerk on board soon after the May meeting; Deputy Attorney General Jessica Tucker-Mohl will be on maternity leave soon and the Commission will be assisted by Deputy Attorney General Nicole Rinke; the Governor's FY 2015-16 budget proposal was released in January and the Commission's budget is relatively stable, save for an \$80,000 reduction in funding due to a shortfall in the Environmental License Plate Fund; the next Commission meeting is on May 21, 2015 in Courtland and the Delta Plan Interagency Implementation Committee meeting is on May 11 in Sacramento.

Vice Chair Thomsen asked for any Commissioner questions and there were none.

6. Delta Protection Advisory Committee (DPAC) Report

DPAC Chair Mark Pruner reported that the Committee has met twice since the last DPC meeting to discuss the draft Strategic Plan and that DPAC members are very engaged in the effort.

Vice Chair Thomsen asked for any questions and there were none.

7. Draft Vision 2030 Strategic Plan

The draft report was presented to the Commission. Mr. Vink introduced Lisa Beutler, the consultant assisting with the plan. Ms. Beutler recapped the efforts since 2013, including discussion of the plan at Commission meetings and workshops, Commission subcommittee meetings, DPAC meetings and public workshops. The next steps include a public meeting (hosted by DPAC) on April 16 and up to two webinars to also facilitate public participation. It is anticipated that the Commission will be asked to consider and adopt the final Strategic Plan at the May 2015 meeting, and that Commission staff will complete the Vision 2030 Implementation Plan, which includes the Communication Plan, in July 2015. Ms. Beutler reviewed the document for the Commission and indicated that the Implementation Plan includes performance metrics and will outline the actual work Commission staff will undertake; the Communication Plan discusses how the Implementation Plan will be shared.

Commissioner Villegas asked why agricultural sustainability was not mentioned as one of the landmark planning documents; Mr. Vink replied that the Economic Sustainability Plan was described in that section and that a large focus of the Plan was on agriculture as the primary economic driver in the region.

Commissioner Cabaldon expressed support with the progress of the plan but suggested the Commission continue with refinements. The full role of the Commission is not appropriately described, as a core part of the Commission's land use role is quasi-judicial. He said there should be orientation for new Commissioners in this role. He also would like to see metrics further developed.

Vice Chair Thomson asked if there were any further questions and there were none.

8. Delta Flood Risk Management Assessment District Feasibility Study - Interagency Agreement with DWR and Contract Award to M. Cubed

Vice Chair Thomson said that a subcommittee had been convened and met earlier this month to review the proposed consultant selection.

Mr. Vink recapped this item from the January Commission meeting. At that time, the Commission was asked to authorize an amendment to the DWR interagency agreement to include a funding increase and time extension, and to further authorize the Executive Director to execute the consultant agreement with M. Cubed. Based on concerns from the Commission about the awarding of the consultant agreement to M. Cubed, the Commission formed a subcommittee consisting of Vice Chair Thomson and Commissioners Bugsch and Richardson to review that matter and report back to the Commission.

Vice Chair Thomsen said that after the subcommittee meeting he is confident M. Cubed understands the work to be done and expects they will do a good job.

Commissioner Nottoli said there had been concern about past work performed by M.Cubed and their anticipated performance under this contract. He asked if there were any conflicts or firewalls in the contract. Mr. Vink indicated he did not believe there would be any conflicts, mainly because the M. Cubed principal (Richard McCann) who would be working on this effort did not work on the BDCP economic analysis. It would be possible to exclude the M. Cubed principal (David Mitchell) who led the BDCP economic analysis from doing any work on this effort, but his extensive knowledge and limited involvement (as proposed by M. Cubed) in the feasibility study would argue against his exclusion.

Commissioner Elliott said there had been some curiosity about the scoring system. M. Cubed ranked last until the proposed cost was scored, when they moved into the first position in the ranking. Vice Chair Thomson said the subcommittee was satisfied with this process.

Commissioner Bugsch stated that Vice Chair Thomson asked a lot of pointed questions in the subcommittee, and he thinks M. Cubed understands and are fully on board with the charge before them.

Commissioner Elliott wanted reassurance that the M.Cubed proposal will provide us with the final product we need.

Vice Chair Thomson asked for other comments and there were none.

Mr. Vink said that there were two actions before the Commission: to authorize the Executive Director to execute the revised Interagency Agreement with DWR in the amount of \$499,500, and to execute the associated consultant contract with M. Cubed in an amount not to exceed \$476,197.

Commissioner Nottoli recommended adding to the motion that we periodically check in with the subcommittee as the work progresses.

It was moved by Commissioner Richardson and seconded by Commissioner Cabaldon to authorize the Executive Director to execute the revised Interagency Agreement with DWR in the amount of \$499,500, and to execute the associated consultant contract with M. Cubed in an amount not to exceed \$476,197, and further to provide updates to the subcommittee (Thomson/Bugsch/Richardson) as the work progresses; in a voice vote, the motion carried unanimously.

9. 2015 Delta Aquatic Weed Treatment Presentation

Vice Chair Thomson introduced Christopher Conlin, Acting Deputy Director of California State Parks, Division of Boating and Waterways (DBW).

Mr. Conlin gave a presentation about the DBW efforts to treat aquatic weeds in the Delta.

Commissioner Nottoli asked if the weed hoppers (proposed biological control for water hyacinth) were plant specific; Mr. Conlin said they were, and that there would be limited introduction to make sure there are no adverse effects.

Mr. Conlin introduced Edward Hard of DBW to present information on Landsat mapping of hyacinth infestation areas.

Commissioner Scriven asked why this is a problem now and not ten years ago. Mr. Hard attributed the problem to drought and weather conditions that have been favorable for aquatic weed growth.

Following additional presentation from Mr. Conlin, Vice Chair Thomson asked if there were any questions from the Commission.

Commissioner van Loben Sels commented that it was mentioned that the pesticide 2,4-D can only be used in the summer months, and that only 89 acres have been treated so far. Mr. Conlin responded that they can only spray what's on the water and not previously sprayed or dying; further, most of the effort right now is on *Egeria densa*, with over 1,500 acres treated so far. DBW will be treating the hyacinth with 2,4-D from July through September.

Commissioner Ferguson said that DBW should add Reclamation Districts to their list of partners, and Mr. Conlin concurred.

Commissioner Elliott asked if the \$4 million in the Governor's Budget mentioned in the presentation is the same as the funding mentioned by Ex-officio member Galgiani; Senator Galgiani responded that the \$4 million of additional support to DBW for aquatic weed control was included as part of the \$1 billion emergency drought package that was enacted as an urgency statute, so the funding is available to DBW immediately.

Ex-officio Member Frazier shared that he spent time with DBW staff and was able to see the mechanical harvesting efforts; Mr. Conlin said that in accordance with their permit terms, they are only allowed to treat up to 5,000 acres of *Egeria densa* and curly leaf pondweed and 3,500 acres of water hyacinth. He would like to see these limits increased in the future. Ex-officio Member Frazier said Florida spends over \$50 million on their invasive weeds and California has spent less than \$10 million for a larger geographic area than Florida.

Commissioner Silva said we should come up with additional uses for hyacinth, such as furniture or bio-fuel. He asked how the dead hyacinth shapes and changes the river bed; Mr. Conlin responded that biomass sitting at the bottom of the water is not good for the Delta. The solution is to get ahead of the problem and reduce the amount of biomass as soon as we can. Commissioner Silva asked if any studies have been done

from the landfills to see how this degrades; Mr. Conlin responded that it de-waters, has high nutrient values, and can serve as fertilizer.

Vice Chair Thomson thanked Mr. Conlin for his presentation and invited him to come back in a year to update the Commission on their progress.

Commissioner Eddy asked if DBW could post monthly updates as to what treatments are taking place. Mr. Hard responded that they are posting updates beginning in early March and will be using Constant Contact for weekly updates.

Ex-officio Member Frazier shared that he had a town hall meeting in Discovery Bay on this issue and has a question and answer fact sheet posted on his website.

Ex-officio Member Galgiani indicated she would be chairing a field oversight hearing of the Senate Agriculture Committee-Subcommittee on Invasive Species on March 27 in Stockton; DBW will be present and the public is invited.

Vice Chair Thomson asked for any public comment.

Dominick Gulli of Green Mountain Engineering introduced his work as district engineer for eight Reclamation Districts in the Delta and discussed a solution he is developing to harvest water hyacinth and use it as a soil amendment and even to help raise ground levels on subsided islands.

Vice Chair Thomson stated that creative solutions from the Delta would be welcome.

Barbara Daly, North Delta C.A.R.E.S. and DPAC member, asked if 2,4-D is the same as Agent Orange. Mr. Conlin said it was not, and that they are spraying glyphosate, which is essentially Roundup. Ms. Daly asked about sterilizing the hyacinth; Mr. Conlin stated that DBW is open to new treatment methodologies, but USDA has said that chemical treatment is the most effective and mechanical harvesting is the least effective.

Vice Chair Thompson said budgeting is about setting priorities and saving the Delta from invasive weeds should be a priority. We should continue to work with people from the Delta on these ideas.

Vice Chair Thomson asked if there were further comments and there were none.

10. RioVision Community Visioning

Commissioner Richardson introduced David Falk of RioVision, a nonprofit organization working to support economic development in Rio Vista through community-supported projects that build on the Delta's unique character. Mr. Falk reviewed highlights from the "Discover Rio Vista" publication handed out to Commission members.

Mr. Vink said the Delta Plan has a policy for the vitality and preservation of legacy communities and that the Commission is working on similar efforts throughout the Delta.

11. Commissioner Comments/Announcements

Commissioner Nottoli raised an issue brought to his attention about maintenance of trees and other vegetation along the levees; Mr. Vink said he is aware of this issue and that it has been discussed as part of the strategic plan.

11. Adjourn

Vice Chair Thomson adjourned the meeting at 8:04 p.m.