

Delta Levees and Habitat Advisory Committee &
California Bay-Delta Public Advisory Committee
Delta Levees and Habitat Subcommittee
Friday, February 6, 2004
Room 435, Resources Building
Meeting Notes

1. Welcome/Self Introductions/ Announcements

Bob Orcutt called the meeting to order at 9:00 a.m. Those in attendance introduced themselves. The list of attendees is attached.

2. Minutes from the January 9, 2003 Meeting

Paul Bowers offered one correction to the minutes, which were then accepted by general consent.

3. Update on CALFED Levee SB 34/AB 360 Program

Paul Bowers of the U.S. Army Corps of Engineers began the update by reporting that Congress has budgeted \$1.1 million for FY 04-05 for a Sacramento-San Joaquin Delta study. It includes \$350,000 for the North Delta and \$500,000 for Delta Islands. This is considered a reconnaissance study which would identify projects that are of interest to potential cost-sharing partners. This dollar amount would allow for an expanded, detailed study.

Dave Mraz of the Department of Water Resources gave the Subventions Report. There has been little change since last month's report. Fifty islands have been inspected, 40 letters of approval have been signed, and 28 payments are in process but on hold due to the freeze on bond funds. Notification has just been received that the Department's freeze exemption for State Water Project funded programs has been granted. The details of which payments will be affected are still to be determined. Dave will prepare a letter once those details are known.

Dave continued with the Special Projects Report. The Bradford Island portion of the Decker project is complete; work continues on the Jersey Island portion. No permit is in place to allow placement of fill material on Van Sickle Island. Kent Nelson of DWR continued the report by describing the unresolved regulatory issue that is preventing completion of the link between phase 1 and phase 2 of the Decker project. In question is the policy established by a 1999 regulatory guidance letter from the Corps. This policy question could affect the entire Program. A field trip to the site is being arranged for Mike Finan, the head of the Sacramento Regulatory Office for the Corps, in the hope of resolving this issue. Paul Bowers will act as the liaison to the regulatory office of the Corps.

Curt Schmutte of DWR reported that work is progressing on the North Delta Improvements Project, and that a draft EIR/EIS is due out this summer, not this month as was indicated in the notes from the last meeting.

A summary will be out within the next month. The study team plans to present the options in the EIR/EIS from two viewpoints: flood control and environmental.

Curt stated that there is nothing new to report on the Dutch Slough project. Modeling for the Franks Tract project is progressing, but there is no progress on the contract for the feasibility study, due to the freeze on State contracts. The Subsidence Reversal program is also affected by the contract freeze.

4. Update on Department of Fish and Game AB 360 Activities

Bob Orcutt concurred with Dave Mraz on the progress of the Subventions Program. A few approvals as well as three inspections still need to be done. A bathymetric survey will be performed at Decker Island in March in order to determine if there is a trend towards sedimentation by comparing it to a survey done a year ago. Bob reported that Mark Phillip of DFG is working with California State University-Chico to produce GIS maps for the assessments. Mark is also the lead for the effort to keep water hyacinth and egeria out of the Decker Island channels. The Department of Boating and Waterways has mechanically cleared out some of the water hyacinth, and a boom is in place, which seems to be having limited effect. They are utilizing the services of a specialist from the DFG's oil spill group to develop new ideas and techniques. Chris Neudeck commented about the severity of the problem with these invasive plants, noting that at Seven Mile Slough the water hyacinth is four feet thick with coyote tracks across the top.

Bob reported that DFG is assisting with plantings on Decker, and also with writing a new agreement for the New Hope-McCormack-Williamson project. That project will include a "wildlife-friendly" levee that features a graduated slope on the land side with native plantings.

5. Development of New Legislative Language for the SB 34/AB 360 Program (to address urbanization of the Delta)

Dave Mraz has met with DWR legal staff on this issue. He stated that more internal discussion is needed before it is brought back to this group. Curt Schmutte commented that it is not too early to start preparing for the legislation that will be needed to re-authorize the Program, which expires July, 2006.

6. Other Items

Gil Cosio brought up a question for further discussion regarding a recent change in the law which now allows private trustees to use their own equipment for reclamation district work. The billing rate for reimbursement by the State has been limited to 90% of

the CALTRANS rate. This rate is much lower than actual equipment rental rates. Gil questioned why the CALTRANS rate is used, since the law does not specify it. Dave Mraz explained that the CALTRANS rate is used as a guide in order to avoid the appearance of a conflict of interest on the part of the trustees, and to reduce the potential for abuse of this law. It was agreed that more discussion is needed on this issue in the future.

CALFED Bay-Delta Public Advisory Committee Levees and Habitat Subcommittee

1. BDPAC levee Subcommittee Co-Chair Report

Tom Zuckerman took over as chair of the meeting. He presented a letter that is similar to a letter that was originally prepared by the Working Landscapes Subcommittee and addressed to the Bay-Delta Authority. The letter is a request that the composition of the CALFED Science Board include a member who has expertise in rural and agricultural economics. George Basye moved that this subcommittee authorize Tom and Marci Coglianesse to sign the letter. Dave Mraz offered a second to the motion. The motion passed unanimously.

Tom reported that he has been working on a letter to the Bay-Delta Authority regarding the finding at their last meeting that the CALFED programs are not in balance. He asked the members present for additional guidance and ideas on the letter. Dave Mraz provided some background information on the current funding of the Levees Program: There is no money from the State's General Fund budgeted for the program. Proposition 13 Bond Funds will provide \$1 million that will be spent on subventions claims for FY 02-03. Proposition 50 Bond Funds have been frozen, and work agreements that were already signed have been out on hold. The new exemption may free up some of the \$22.5 million in Proposition 50 funds for FY 03-04. The Governor's FY 04-05 budget gives the program \$1.5 million in Proposition 50 funds, but the budget change proposal that is in process asks for an additional \$20 million. Prop 50 was to have made available: \$22.5 million for FY 03-04, \$22.5 million for FY 04-05, and \$22.3 million for FY 05-06. After discussion, it was agreed to revisit and try to clarify this issue next month.

Paul Bowers reported on a meeting of the Independent Science Board that he had attended. He took that opportunity to inform the Board that critical science questions concerning Delta levees and habitat have been submitted to the Science Program, but have not been acted upon. Tom asked Patricia Fernandez to bring these questions and related facts together for the next meeting. Paul also noted that the group's newly

elected Chair, Dr. Reed, has experience working with the Corps and has a background in levees.

Plans for the public workshop that was proposed at the last meeting have not solidified. The group that met to discuss this has unresolved questions about the purpose and goal of the workshop. Several ideas were discussed. Tom suggested that the group consult with Marci Coglianesse on this and let her take the lead, since she had raised the idea initially.

2. CBDA Program Plan Report

Patricia Fernandez reported that the first draft of the new multi-year program plan is ready; Patricia will e-mail it to those requesting it. She requested that comments be sent to her at patricia@calwater.ca.gov by February 13 for inclusion in the second draft. The second draft is due to CBDA on February 20. There was discussion of what could be added to the accomplishments section of the plan, including work done by the Reclamation Districts, the ecosystem projects, and emphasizing the relatively large amount of on-going work that is being done with the limited available funding.

The issue of Program Plan balance is on the agenda for the next meeting of the Bay-Delta Authority, along with program targets, long-term financing, and performance standards.

Tom suggested that this subcommittee's next meeting should be held in conjunction with the Working Landscapes Subcommittee, which is currently scheduled for March 4 at the Department of Food and Agriculture Building.

It was also announced that Eugenia Laychak has left CALFED; Heidi Rooks is taking her place as the program assistant to the Bay-Delta Public Advisory Committee as well as the assistant to the Bay-Delta Authority. One of her goals is to help improve communications between the subcommittees.

3. Adjournment

The meeting was adjourned at 11 a.m.

The next meeting will be held on March 4, 2004 from 9:00 to 11:00 a.m., in the Delta Room at 650 Capitol Mall, 5th Floor.