

**Draft Meeting Summary  
California Bay-Delta Public Advisory Committee  
Environmental Justice Subcommittee  
Working Landscapes Subcommittee  
April 1, 2004; 9:00 am – 12:00 pm**

Working Landscapes Subcommittee web site:

<http://calwater.ca.gov/BDPAC/Subcommittees/WorkingLandscapesSubcommittee.shtml>

### **I. Introductions and Meeting Purpose**

Co-chair Denny Bungarz of Working Landscapes and Dr. Henry Clark Acting Co-Chair of the Environmental Justice Subcommittees opened the meeting at 9:05 am. They briefly explained that the goal of this meeting was to hear about the different Year 5-8 Program Plans from the managers of the CALFED Program Elements, and provide the Subcommittees an opportunity to comment upon the Plans. After introductions, the presentations began. *(Note: this summary includes the introduction and program manager's briefing on their program plans; the subcommittee's questions and comments are captured below in Attachment A).*

Yating Liang with the California Bay-Delta Program gave a brief overview of the program plan process. The programs have been under development for the past few months. The plans will be reviewed by the BDPAC in May. *(Note: The dates of program plan review process have been changed. The BDPAC will receive the program plans in late April and they will be briefly discussed at the May 13, BDPAC meeting; there will be a full day meeting on July 8 to hear the program plans in detail).*

### **2. Ecosystem Restoration Program (ERP)**

Dan Castleberry began the presentation, saying that now was a good time to get in comments. He noted that this year's plan is very similar to last year's, but that there was some additional uncertainty because of the State budget situation. He noted that ERP has a longer history than many of the other CALFED Programs, and that there are a number of documents that guide its actions. The annual Program Plan derives from those. He especially stressed the Annotated Budget and the grant program Proposal Solicitation Packages as other major venues for planning and action.

Nancy Ullrey went into the actual content of the Plan. Nancy is the staff writer and coordinator on the ERP Plan. She noted she works closely with the staff of the Implementing Agencies for ERP in developing the Plan, and that it goes through numerous drafts. While affirming Castleberry's observation that the Plan has not changed much from last year, she focused on new information it contains. The Plan now contains a description of the ERP's targets, goals, objectives, and review processes and a section on the integration of science, tribal relations, and environmental justice into the Program. The ERP's goals relate to CALFED's EIS/R, and include some 300 targets and 600 actions. Activities focus on ROD commitments. A major review of those activities is being undertaken by the implementing agencies in the form of an assessment of projects in achieving biological milestones. This assessment was required in the fourth year of the Program in order to maintain the Biological Opinion that permits CALFED to carry out its activities.

### **3. Drinking Water Quality Program (DWQ)**

Sam Harader began his presentation by announcing that a new draft of his Program's Plan is available. He noted that the water quality sections of the EIS/R mostly refer to drinking water. DWQ issues include dissolved organic carbon, bromides, salts, nutrients, and pathogens, plus a few other pollutants. These relate primarily to public health, taste and odor. The program focuses on water from the Delta, but other sources are also included. The approach is source-to-tap, with an emphasis on improving water sources and treatment methods. Considering source, the focus is on point and non-point pollution and the effects of storage and conveyance. The major pollution sources of concern are non-point sources such as urban and agricultural run-off,

as well as salt water intrusion. Harader noted that the Program had made major commitments to helping landowners work on water quality issues, for example, \$23 million in the last PSP, with over half of the total related to such efforts.

#### **4. Water Conveyance, Storage, and Water Use Efficiency Program**

These are separate programs, but for expediency, Sergio Guillen presented them all, each in turn. The programs have changed from those originally envisioned in the EIS/R and ROD, due to a lack of funding, particularly in the Storage Program. They are also looking into the interaction between these programs and ERP, with a database that tracks ERP projects that affect flood maintenance. Another major initiative is a “common assumptions” assessment, looking at the different modeling tools that different water management agencies use, and trying to reconcile them.

Water Use Efficiency: They are in the middle of a PSP that is coming out this year. They have finished a comprehensive evaluation of progress after the first four years and will use those results to guide the grant program in addressing remaining needs. They have made a conscious effort to help EJ communities prepare for these grants.

Storage: The ROD stated that the Program should study five different potential projects. Unfortunately, such studies are expensive, and progress has been uneven. Also, there have been conflicts between the Bureau of Reclamation and the Department of Water Resources, which have different standards and definitions of study protocols. There will be a status report available in three months on the studies for each project.

Water Conveyance: There are four major projects that are being studied. Studies still continue on the pumps and barriers for the South Delta, and on water quality effects of proposed projects in the North Delta. However studies have been drastically reduced due to the budget situation.

#### **5. Levee System Integrity Program**

Sergio Guillen also presented the plan for the Levee System Integrity Program. The Department of Water Resource and the US ACE are the lead for the Levee Program. The Levee Program's initial focus was to provide base level protection, address subsidence and be involved with special improvement projects. The budget situation has limited the program to maintenance. They are planning to work on the Delta Levee Risk Assessment study, which had been hindered by lack of funding and other contracting issues.

#### **6. Watershed Program**

Dan Wermiel presented the Watershed Program Plan which is still under development. The goal of the program to date has been to assist locals to develop watershed management plans and to conduct watershed assessments, and to develop and implement specific watershed actions. The program is planning to conduct a program evaluation in the coming year. The Watershed Program has funded a number of projects with environmental justice and/or working landscapes nexus. The second round of project funding which came from Proposition 13 had to be focused on economically disadvantaged communities. Year 3-funded projects are currently being awarded; information on these projects will be released shortly. The Watershed Program has also provided funding to the Dept. of Conservation to manage the Watershed Coordinator program, which provides funds for local watershed coordinators for the next three years. The Program has also conducted two rounds of the 2-week training on the very successful Watershed Partnerships Seminar.

The Watershed Program is planning to fund another round of projects in the coming year, a funding amount has not yet been established, though it is likely to be a focused call for proposals. They will be working with their subcommittee to develop the focus. Working landscapes is not a criteria but agriculture is factored in. They'd like to keep the focus on working landscapes and environmental justice as part of the call. Comments from these two subcommittees will be helpful.

## **6. Water Transfer Program**

John Fielden with the Dept. of Water Resources presented the program plan. The Water Transfers Program is very small program implemented by the DWR, SWRCB and the USBR. There is no funding for the program, but there is staff contribution from the three lead agencies. The purpose of the program is to facilitate and coordinate sound water transfers as well as provide technical assistance to smaller water agencies. According to Fielden, one problem is that no one has a good handle on monitoring transfers or evaluating third party and environmental impacts. He wondered how impacts should be determined and mitigated? He said that the program is looking at crop idling when it makes sense. He said that they are also trying to deal with paper water vs. water transfers.

The Water Transfers database via the "On Tap" web site, is working, using some historic data but is more focused on assisting and tracking future water transfers. Its purpose is to track transfers and to act as a guide to those wanting to conduct transfers.

## **7. Environmental Water Account (EWA)**

Theresa Geimer

The purpose of the program is to:

- Reduce conflicts between environmental needs and water project operations by providing water and flexibility.
- Better protect fish and habitats at critical times by providing water in a flexible manner other than through strict requirements.
- Increase water supply reliability by allowing projects to meet environmental and water supply needs at the same time.

The EWA is administered by Dept. of Water Resources, Bureau of Reclamation, Dept. of Fish and Game NOAA Fisheries, and US Fish and Wildlife Service.

EWA assets are used to replace the water that would have otherwise been delivered to export service area contractors when fish actions are taken to protect and enhance fish species recovery. The fish actions recommended by the EWA Management Agencies include Pump Reductions, Delta Cross Channel Gates Closure, Instream Flow Augmentation, Delta Outflow Augmentation.

Water resources can also be acquired by purchasing stored reservoir water (not CVP or SWP reservoirs); groundwater substitution (purchase of surface water supplies typically stored in a reservoir, while the users forego their surface water supplies and pump an equivalent amount of groundwater as an alternative supply); crop idling/crop shifting (purchase of water from agricultural users who then idle land that would otherwise have been in production or shift to less water-intensive crops, stored groundwater purchase (purchase of groundwater that was previously stored by the selling agency with the intent to use or sell the water at a later date); and variable assets (obtaining water through a regulatory or operational change in the Delta that allows water to be diverted from the Delta specifically for the EWA).

Monitoring is needed under such approaches to ensure no adverse impacts result.

Crop idling is addressed in the EWA's EIR/EIS which states that idling can only be done during the second or third year of a drought. Cotton and rice are the target idling crops. The long-term EWA (if extended) will look at additional crops. The EIS/EIR also states that no more than 20% idling in any county in any year without more studies, then only in an extended drought.

The EWA was launched as an experimental four-year program, the program is now in its 3rd year. Decisions on whether to extend the program will be made in Year 4, when the Science program will conduct a review of the program to date, annual reviews of the program have been conducted each year. With CEQA/NEPA in place they can now do long term water transfer agreements and they will be looking to do so.

## **8. Science Program**

*(Science Program staff was unavailable for this meeting, CALFED staff Keith Coolidge gave an overview of the program and answered questions).*

The focus of the Science Program is on:

- a) Water operations and environmental resources
- b) Cross-program integration
- c) Performance assessment and research.

The Program has recently established its targets for the program, therefore they do not intend to review or revise targets for the next two-four years.

The Science Program is looking for assistance from WLS and EJ to help frame issues into scientific questions they can work with.

## **Attachment A: Environmental Justice Subcommittee and Working Landscapes Subcommittee Member Comments and Questions and Manger's Responses**

### **1. COMMENTS TO ECOSYSTEM RESTORATION PROGRAM**

#### **Working Landscapes**

Include a discussion of the role of Working Landscapes in program plan.

Geographic distribution – The plan is unclear on the sources of funds and how they will be spent, particularly with respect to the Delta and East Side tributaries

Red Bluff Diversion – would like clarification on whether or not the Red Bluff Diversion is included in program plan

How will the Working Landscape's Subcommittee's recommendations for a "working landscapes" PSP be addressed in the upcoming ERP PSP? There is concern that the Subcommittee's efforts will be diluted if the Working Landscape Subcommittee's proposal is melded as part of a larger PSP, and not an identifiable, focused PSP.

With reference to restoring river meanders, the program plan should discuss the implications for maintaining the existing flood control system.

(The following comment was directed at both the ERP program plan as well as the Watershed program plan.) Program should stress the notion that agricultural operations can enhance environmental conditions. Program plan should include an action that develops strategies to help farmers and ranchers capitalize on this value in the form of income.

#### **Environmental Justice**

3<sup>rd</sup> Party impacts need to be addressed; i.e., who will be paying for actions and who will be impacted by lower water quality as a result of environmental diversions?

## **2. COMMENTS TO DRINKING WATER QUALITY PROGRAM**

### **Working Landscapes**

None

*Sam Harader, Interim Program Manager for DWQ noted that he had difficulty taking some of the more general recommendation that CDFA had made in its comment letter. CDFA will work with Program staff to make more specific recommendations.*

### **Environmental Justice**

How will the program evaluate the impacts of other CALFED programs on DWQ?

How will water quality impacts that impact low-income communities be mitigated? Groundwater substitution could impact well water quality. Are there funds to address private well monitoring? Suggest that funding should be available for well water quality impacts when ground water substitution is taking place.

The four-year plan should include an action to include a member of the DWQ Subcommittee who represents the Public Trust perspective with respect to reasonable use of source waters.

The ROD states that there will be no re-directed impacts, but low-income communities are currently experiencing re-directed impacts. Recommend that funds for Environmental Justice capacity-building be part of project funding so that low income communities can engage on the planning and implementation of projects that present potential impacts. Recommend that the program plan refer to Dept of Health Services funding for small communities.

## **3. COMMENTS TO WATER MANAGEMENT PROGRAM**

### **A) STORAGE**

#### **Working Landscapes**

Working landscapes Subcommittee should be engaged by the Water Storage Program/ Subcommittee before projects are designed with respect to who will benefit from, and pay for the water to be stored.

The Water Storage Subcommittees should also work with the Working Landscapes Subcommittee on defining 3<sup>rd</sup> party impacts.

Concern that language in the program plan infers that all of the storage projects included in the ROD will be built. This should be clarified.

Recommend that the program analyze the proposed water storage projects in terms of their potential impact to agricultural lands. Could this be indicated in the Program plan?

#### **Environmental Justice**

Agencies do not appear to be addressing tribal and EJ concerns with locals with respect to the raising of Shasta Dam. Irenia Quitiquit indicated that these issues are being addressed. It was suggested that this be clarified in the program plan.

Program plan should address the gaps in public trust protection that are created when state and federal laws overlap, are in conflict, or when one overrides another. Does CEQA/NEPA provide an adequate venue for addressing such gaps?

### **B) WATER USE EFFICIENCY**

### **Working Landscapes**

None

### **Environmental Justice**

Program plan should address the need for funding for enforcement of model ordinances that address landscaping water use efficiencies.

Program should emphasize projects that will create jobs and focus on regional self-sufficiency more than just transferring water.

## **C) Conveyance**

### **Working Landscapes**

What is progress on Delta Cross Channel? Should the program plan address delays caused by budget?

### **Environmental Justice**

Program Plan should address 3rd party impacts that result from contract changes and account for difference in the financing mechanisms used by the state and federal projects.

## **4. COMMENTS TO LEVEE PROGRAM**

### **Working Landscapes**

Program planning documents should consider the impacts of global climate change on levees.

Program plan should also recognize the importance of levees to working landscapes and agriculture, especially with respect to the job-creating potential of levee maintenance, as well as from storage project construction. Does the program's science element need to address the social-economic impacts of levee maintenance, beneficial and adverse?

### **Environmental Justice**

No comments made.

## **5. COMMENTS TO WATERSHED PROGRAM**

### **Working Landscapes**

Performance measures for Watershed actions should be referenced in the program plan under the "Targets" section (paragraph 2).

With respect to capacity-building of local watershed groups, does the program plan include actions to further the permit assistance/coordination work that occurred in the Elkhorn Slough watershed project?

Program plan should address how program avoids potential overlap and duplication with the Ecosystem Restoration Program. Integration of these two programs should be set forth in plan.

Relationship between the Working Landscapes Subcommittee and the Watershed Subcommittee should be emphasized a little more.

The interrelationship between the Watersheds Subcommittee and the watershed work being done in response to the Agricultural Waiver requirements of the RWQCBs should be acknowledged in program plan.

Program should consider funding the development of inexpensive, user-friendly technologies for water quality monitoring. The program plan should address integration with the monitoring requirements of the agricultural Waste Discharge Waiver.

(The following comment was directed at both the ERP program plan as well as the Watershed program plan.) Program should stress the notion that agricultural operations can enhance environmental conditions. Program plan should include an action that develops strategies to help farmers and ranchers capitalize on this value in the form of income.

The Watershed Program's Independent Science Board that will be developed later this year, should include agronomic scientists (soils, agronomy, range and animal) as well as social scientists.

### **Environmental Justice**

Program plan should recognize and identify actions to resolve the prevailing wage issue that is affecting the use of volunteers in watershed work and other restoration activities.

The program plan should make references on how it plans to integrate the work of its science board with those of other CALFED programs, particularly with respect to human ecology.

Program should highlight in the program plan the environmental justice achievements that were mentioned in the Watershed Program's oral presentation on the plan.

## **6. COMMENTS TO WATER TRANSFERS PROGRAM**

### **Working Landscapes**

Program plan should acknowledge the cumulative impacts on agricultural land resources that arise from fallowing (crop idling).

Program plan should address the need to improve the transparency of water transfers.

Recommend that the plan identify the creation of an independent technical advisory panel that would consider, and advise the program on, legal and technical issues related to water transfers.

### **Environmental Justice**

With respect to transfers using the state and/or federal project facilities, there is the assumption of no environmental impact. Has there been any attempt to reexamine this underlying assumption?

Recommend that when Independent Science Board addresses water transfer issues, it examine the immediate impacts of water transfers as well as the opportunity costs; e.g., the destabilization of agriculture supply businesses.

To the extent possible, pre-1914 water rights water transfers should be evaluated for impacts. This potential lack of oversight needs to be addressed in the plan.

Water transfers pose the potential to co-mingle state and federal water. Recommend that the program track these transactions separately. Otherwise, the analysis of third party economic impacts could fall through the cracks between state and federal requirements.

Water rights holders receive 100% of the revenues in water transfer. What is the potential for profiteering in water transfer markets? Should program plan identify the need for state review to ensure that such profiteering doesn't violate the public trust? Is there a monitoring function for water transfers?

The program should make sure that there is public trust representation on its subcommittee.

There needs to be a more long-term evaluation of the cumulative impacts of consecutive year one-year transfers, particularly on low income communities.

There is a need for research on the balance that needs to be maintained between preventing profiteering in the sale of state and federal water via transfers, and the efficiencies that come with a more open water market.

## **7. COMMENTS TO ENVIRONMENTAL WATER ACCOUNT**

### **Working Landscapes**

Encourage the program to document the extent to which the program has benefited fish populations beyond an evaluation of take at the pumps, to answer the question, 'how has EWA supported long-term recovery efforts?'

The recently released EIR indicates that the EWA could acquire water for in-stream flows. Is this true? If so, it should be highlighted in the program plan and its implications addressed.

Program needs to address mitigation for consecutive one-year, as well as multiple-year transfers. Particularly, the cumulative impacts of EWA on crop idling should be addressed. In addressing cumulative impacts, analysis should consider other land retirements not related to water transfers that would magnify the effective cumulative impact on a community of the loss of farm production.

The combined effects of EWA and other water transfers should be assessed.

### **Environmental Justice**

Landowners who participate in the EWA may find that they need to deepen their wells in order to substitute groundwater for transferred surface water. Program plan should address this fiscal impact in order to remove barriers for participation. Similarly, program should consider the development of safe harbor programs to protect landowners when groundwater pumping results in impacts on sensitive species due to the loss of shallow groundwater/wetland habitat.

The EJ community is concerned about the shifting of the burden of water transfers to public versus water users. The program plan should address the public trust implications of water transfers.

## **8. COMMENTS TO SCIENCE PROGRAM**

*Coolidge noted that Kim Taylor has responded to EJ and WLS concerns. The program needs assistance from the two committees on specific areas that the Science Program can work on; they have difficulty working on the more vague policy and principles. WLS and EJ SC acknowledged that they will work with Science to more clearly articulate their needs and concerns.*

### **Working Landscapes**

The program should consider adding applied science (e.g. agronomy, animal science, range science, soil science) expertise to its Independent Science Board, as well as rural sociologists and resource economists.

Concern that with the drastic cut proposed to the University of California - Division of Ag and Natural Resources and the Cooperative Extensions System; there will be a need to fill the gap and support local educational and technology transfer to agricultural producers. Science is needed to help document the value of capacity-building in local community groups to CALFED implementation.

### **Environmental Justice**



Environmental Justice needs to be at the table. Program should consider “Adaptive Governance” as well as adaptive management – as the recent Science (summer 2003) articles illustrated.

Recommend that research into the pricing structure of water sales be examined.