

**CALFED Bay-Delta Program
Working Landscapes Subcommittee
May 1, 2003
California Department of Food and Agriculture, Room A-317
1:00 – 4:00 pm**

Draft Meeting Summary

Subcommittee web site:

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

1. Introductions

Introductions were made. Broddrick called for corrections to the March 6, 2003 meeting summary. He noted that the item regarding the AFT presentation needed to be corrected. The meeting summary was approved without further changes.

2. Co-Chairs Report

Ryan Broddrick announced that the Bay Delta Public Advisory Committee (BD PAC) last meeting was held in Chico on March 25 and 26, 2003. A successful tour on the northern Sacramento Valley was held as part of the meeting where a few Working Landscape projects were featured. The Description of the WLS Subcommittee was approved by the BD PAC with no changes.

Mr. Broddrick also updated the Subcommittee on recent activity relating to the proposed Conditional Waiver by the Central Valley Regional Water Quality Control Board. This is not a CALFED activity or action, but will affect the ability to implement some WLS-type projects. Ducks Unlimited is working with other groups on the Sacramento Valley Water Quality Coalition to address the propose waiver. Because managed wetlands have been included as a land use activity that will either need to participate in the proposed watershed groups or file independently.

3. Agency Reports

California Bay-Delta Authority (CBDA)

Eugenia Laychak with the California Bay Delta Authority (CBDA) updated the subcommittee on the upcoming June 5 meeting of the BD PAC where they will review the CBDA Program Plans. The subcommittees will also be reviewing the Program Plans and have the opportunity to raise issues and concerns as well as support. BD PAC will also be reviewing the integrated key milestones including continuation of the Environmental Water Account, and the proposed increase in pumping to 8,500 cfs, as well as the biological opinion. The meeting will also have a panel discussion on the Colorado Water QSA and its potential impacts on the Bay-Delta. A briefing on the executive Science Board is also on the agenda, the Science Program will announce nominations to the Executive Science Board.

Ms. Laychak also announced that the California Bay Delta Authority will have its first meeting on June 12. Appointments are still unknown, but the Governor's Office expects to be making them soon. The Authority will be asked to delegate the authority to enter contracts.

Dan Ray with CBDA Ecosystem Restoration Program (ERP) announced that the CBDA offices have moved to 650 Capitol Mall in Sacramento. The ERP is also experiencing personnel challenges due to departure of staff and the inability to replace those positions. The ERP is

working on executing grant agreements for those projects that were successful in the Proposal Selection Process last year. A workshop on invasive species will be held this summer, most likely in August. Among other items the ERP is working on developing its Year 4 Workplan and Years 4-7 Program Plan, as well as designing the next PSP. At this point the Program is favoring staggered solicitations with each pertaining to a specific topic. They believe that they can release up to 3 PSP's per year. They will focus on PSP's for previous investments as well as new projects. One of the solicitations could include the WLS recommendations.

Ms. Laychak asked whether the ERP is coordinating its efforts with the Environmental Justice Subcommittee. The EJ has put this as a high priority item.

CA Department of Fish and Game (DFG)

- DFG is working with the other implementing agencies to develop the ERP program plan.
- The ERP Independent Science Board met April 29 and May 1 to discuss OCAP, North Delta Improvements and the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP).
- The State of the Estuary Conference will be held on in Oakland on October 21-23.
- DFG is assisting DWR with its review of Flood Protection Corridor Grant Applications

CA Department of Conservation

- Dennis O'Bryant reported that DOC is working with the CBDA to expand the Watershed Coordinator funding program. There will be criteria in place that the watershed must contribute to CALFED goals.
- Funding for Williamson Act subventions has been restored by the Assembly Subcommittee; the Department of Finance's position on the program is unknown. *(Note - The Governor's Budget - May Revision proposes to restore \$40.15 million in subventions to local governments for property tax losses incurred by enrolling agricultural land in Williamson Act contracts. The Governor's Budget had proposed to eliminate these subventions commencing in 2003-04).*

CA Delta Protection Commission (DPC) Margit Aramburu reported that there are 32 applications for RC&Ds across the country and 5 will be funded. DPC's application to USDA for the Resource Conservation and Development (RC&D) is still under review.

CA Department of Food and Agriculture (CDFA)

CDFA recently held a planning meeting to develop comprehensive needs" and "selected actions for an action plan for California noxious and invasive weeds. The plan is focusing on noxious and invasive weeds that are found in terrestrial landscapes.

CDFA is continuing its conversations with landowners and agencies regarding the development of a Conservation Reserve Enhancement Program (CREP) in the Delta.

CDFA is also participating in the review of Flood Protection Corridor grant

CDFA has submitted comments to NRCS on the various Farm Bill program rules. CDFA has been cooperating closely with the Resource Agency in developing the comments.

4. Framework PSP Review

The Framework PSP has been revised based on comments received from ERP staff. CDFA is making an effort to inform the other subcommittees about the recommendations regarding Prop 50 funds and developing a proposal solicitation for working landscapes. Final comments on the document are due on Friday, May 16. The Chair requested that comments should be on key issues and not editorial in nature.

Remaining issues regarding the proposed framework have to do with (1) geographic priority areas for funding (Dan Ray recommended removing any geographic priority areas and letting people self-select.); and, (2) whether Proposition 50 funds can be used as the state match for the CREP that is under development in the Delta.

The revised framework will be posted to the web and sent to the WLS e-mail list.

5a. CALFED Working Landscapes Program Plan

CDFA has also been tasked by CALFED to develop a Working Landscapes Program Plan for CALFED. It was acknowledged that WLS is not a CALFED program and has no dedicated funding. Steve Shaffer commented that the program plan he is preparing is a "wish list", and that the WLS effort is 2-3 years behind. WLS is also similar to the Environmental Justice effort, which is not a stand alone program but is an element that all CALFED programs must address.

Patrick Wright agreed with Shaffer's characterization, adding that the Environmental Justice comparison is an apt one. He cautioned that while the Working Landscapes Program work plan can be a bit of a wish list, it must be realistic in terms of what the CALFED programs and agencies can accomplish given their budgets, staff resources and authorities. Eugenia Laychak echoed Wright's caveat, noting that program plans need to be based on real, allocated dollars.

Shaffer also pointed out that the Program work plan, years 4-7, emphasizes the need for local involvement in the development of CALFED projects.

Shaffer said that he would report back to the Subcommittee at its next meeting (May 22nd) on the outcome of his presentation of the Program plan to the CALFED Management Group in mid-May.

5b. Working Landscapes Subcommittee Work Plan

Casey Walsh Cady reported on the Goal I workgroup's progress towards finalizing the goal and its action items.

Dan Ray commented that ERP believes that the Work Plan goals will create burdens on the affected CALFED program staff. He also expressed concerns about the lack of timelines and budgets. He wondered if the goals were realistic.

Laychak agreed with Ray that work plans must be tied to available staff and budget resources, but that it is the Program work plans that need to do this; the Subcommittee's work plan informs the program work plan, but it is the program work plan that must be connected to budget and staff resources. Wright emphasized that the Program plans need to contain timelines and budget resources.

There were no further comments on Goal I of the Subcommittee Work Plan.

Ken Trott distributed a one-page handout reporting on the progress to-date of the Goal II workgroup. He noted that he had received comments from NRCS, Fish and Game and CALFED-ERP, but had not received feedback from any of the stakeholder groups. He said that he was contacting the private stakeholders directly for comments and would report back at the May 22 meeting with a revised version of Goal II that reflected the comments from them as well.

Trott reported on his conversations on Goal II with the Department of Fish and Game and CALFED-ERP. He said that the major concerns had to do with the Goal II action item calling for the establishment of an agricultural land mitigation bank/fund. The concerns had to do with the necessity for a mitigation bank, the legal basis for requiring mitigation of habitat restoration impacts on agricultural land, and the workload impacts of developing and implementing the bank.

Wright said that CALFED is committed to mitigating CALFED program impacts, including those of ERP, consistent with the measures outlined in the ROD. He said that he understood that there is an ongoing legal debate over the need to mitigate for habitat impacts on agricultural land pursuant to CEQA, but that that debate does not override the CALFED ROD commitments, which stand on their own. Broddrick concurred, adding that the Subcommittee doesn't need to wait for a legal resolution of the CEQA questions to proceed to take advantage of Proposition 50 dollars.

Ray replied that the ROD does not provide a basis for compensatory mitigation. Dennis O'Bryant noted that he had worked on the mitigation measures listed in the ROD and that they do, indeed, include compensatory mitigation in the form of support of California Farmland Conservancy Program easements. Margit Aramburu and Becky Sheehan agreed with O'Bryant.

Shaffer suggested that the mitigation bank should be considered more than just a mitigation mechanism, but also as a tool to help CALFED achieve its commitment to protecting farmland from urbanization. Shaffer suggested that, consistent with his latter observation, the mitigation bank's name be changed to "agricultural land conservation bank." Tina Cannon agreed and added that the bank should be considered a tool for all CALFED programs, not just ERP.

Trott reported that in his conversations with ERP staff, a proposal had been made that would place the bank in the context of a more rational mitigation process. He described a four part recommendation that started with a "look back" exercise to assess CALFED impacts on agricultural land to-date, including mitigation measures used. The next step would be to develop a methodology for determining when an impact on agricultural land was significant enough to warrant mitigation; i.e., a threshold of significance, possibly using LESA (the Department of Conservation's Land Evaluation and Site Assessment model). Trott described the fourth recommendation as the development of a mitigation protocol. The final step would be the development of mitigation measures not otherwise explicit in the ROD, including the mitigation bank.

Broddrick suggested that perhaps the Subcommittee could sponsor a workshop of agricultural land impact mitigation strategies.

Wright expressed his support for this revision to the Goal II mitigation bank recommendation.

Shaffer reported on the progress of the Goal III workgroup. He noted that Patrick Akers, the CDFA staff member who is working on this goal, was unable to make the meeting, but had

reported to him before the meeting that only one comment had been received to-date on Goal III. A final revised version of Goal III would be available for review at the May 22 meeting.

6. Public Comments.

Wright reported that he has several UC-Berkeley students working for him on researching the Payment In Lieu of Taxes (PILT) question, with a focus on the Sacramento River Conservation Area. He said that the students would like to be placed on the Working Landscapes Subcommittee meeting's agenda at some point to present their findings.

Wright also noted that Congress Member Radanovich has sponsored legislation in the House to take PILT payments for federal programs off the annual budget cycle.

7. Next Meeting Date and Agenda

It was agreed that in order to meet the deadline for the June 5 Bay-Delta Public Advisory Committee meeting, the Subcommittee should meet on May 22 to review and approve the proposed PSP Framework and the work plans. Brodrick suggested that the Subcommittee meet in the morning of May 22 in order to give staff the afternoon to make in final revisions to the documents for submittal to Eugenia Laychak by the end of the day. Shaffer asked for Subcommittee members to submit their comments on the Framework and work plans by Friday, May 16th.