

California Bay-Delta Public Advisory Committee
Working Landscapes Subcommittee
May 22, 2003
California Department of Food and Agriculture, Room A-447
9:00 am – 1:00 pm

Draft Meeting Summary

Subcommittee web site:

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

Attendance

Ryan Brodrick, Co-Chair, Ducks Unlimited
Patrick Akers, California Department of Food and Agriculture
Sarah Beamish, Natural Heritage Institute
Marco Bell, Marco Bell Consulting
Jeannie Blakeslee, Department of Conservation
Brad Burkholder, Department Fish and Game
Casey Walsh Cady, California Department of Food and Agriculture
Dan Castleberry, California Bay-Delta Authority
Aaron Ferguson, Northern California Water Association
Cynthia Lashbrook, East Merced RCD, Consultant and Grower
Eugenia Laychak, California Bay-Delta Authority
Ronda Lucas, California Farm Bureau Federation
Elizabeth Patterson, Department of Water Resources
Dan Ray, California Bay-Delta Authority
Ken Roberts, Sierra Resource Strategies
Steve Shaffer, California Department of Food and Agriculture
Ken Trott, California Department of Food and Agriculture
Chuck Vogelsang, California Bay-Delta Authority

1. Introductions

Introductions were made. Ryan Brodrick called for corrections to the March 6, 2003 meeting summary. He noted that there were fewer stakeholders were present than usual and believed

that it may be due to capacity, as many organizations may be working on submitting their comments to the California Regional Water Quality Control Board on the proposed conditional waiver for irrigated agriculture. Co-chair Denny Bungarz is unable to attend today's meeting due to a prior conflict.

2. Co-Chairs Report

Mr. Broddrick announced that the California Bay-Delta Authority is awaiting appointments. The California Bay Delta Authority (CBDA) is scheduled to meet on June 12 (*Note: this meeting has been postponed until sometime in August*).

The California Bay Delta Public Advisory Committee (BD PAC) will meet on June 6.

The USDA NRCS has issued a draft rule for the Conservation Reserve Program (CRP). The deadline for comments is June 13, 2003. He also noted that 804 PIN numbers have been issued for applications for the consolidated RFP from the State Water Resources Control Board which includes funds for CALFED's Drinking Water Quality Program and the Watershed Program

3. Agency Reports

California Bay-Delta Authority (CBDA)

Eugenia Laychak updated the Subcommittee on the upcoming June 5 meeting of the BD PAC where they will review the CBDA Program Plans. She also reported on the budget and Proposition 50. Dan Castleberry reported on the ERP meeting on May 23 to work on the ERP program plan.

CA Department of Fish and Game (DFG)

No report offered.

CA Department of Food and Agriculture (CDFA)

CDFA continues to explore development of a Conservation Reserve Enhancement Program (CREP) in the primary zone of the Sacramento – San Joaquin River Delta. Mr. Trott mentioned the potential for a new Farm Bill Super CREP Program (Section 2003 of the Farm Bill). Dave Zedulak suggested that ERP, CDFA and CDFG staff meet to further discuss.

4. CALFED Working Landscapes Program Plan

In April, CDFA was requested by CALFED to prepare a program plan. The plan was presented to the Management Group in May where it was decided that the WLS Program Plan will not be a stand alone document; elements from the plan will be incorporated into other program plans particularly in the Oversight and Coordination program plan. Steve Shaffer said that this item is on the agenda for today's meeting as CDFA is taking comments on the draft document.

There was a question about the relationship between the Subcommittee's Workplan and the Program Plan. The WLS Subcommittee's Workplan is just that, the Subcommittee's expectations and it informs the California Bay-Delta Program. Mr. Castleberry noted that Environmental Justice Subcommittee also does not have a program and that ERP was incorporating input from the Subcommittee into their program plan. Similarly, much of the WLS Subcommittee's workplan is embodied in the CDFA-prepared Program Plan for WLS; it also includes a budget request and some initial activities for Year 4. The WLS Program Plan is for internal use for the other CALFED Programs. Program Plans will be reviewed by the BD PAC and the CBDA later this summer and will undergo revisions based on comments from those bodies.

Ms. Laychak said that there will be a summary of the WLS program plan presented to the BDPAC in June. Mr. Castleberry wondered which plan the EP Program Plan should rely on the WLS Plan or the WLS Program Plan? Mr. Shaffer said that they are nearly identical. Mr. Castleberry said he would prefer to use the WLS workplan.

Mr. Broddrick noted that the Subcommittee's agenda for today's meeting mischaracterized the final outcome of the WLS Program Plan and that there will not be final review and approval of the document as originally stated. Mr. Shaffer requested that Subcommittee members review the proposed structure and the science element. He feels that it is critical for WLS to develop a science agenda.

5. Framework PSP Review

At the request of CBDA's Executive Director, the WLS Subcommittee has been working since December on developing a recommendation to the BDPAC on how Proposition 50- California Bay-Delta Program ERP funds for assisting farmers with restoration activities should be used.

The latest draft (5/6/03) was circulated prior to this meeting and CDFA received comments and made changes.

Mr. Broddrick suggested a few wordsmithing changes to the document. He was also concerned that Appendix B (Criteria) was too extensive and detailed, making it unlikely that a project would meet all of the proposed criteria. Participants responded that they did not see a project as having to fulfill all of the criteria; clarifying language was added to express that fact.

The Subcommittee approved the Framework by consensus for forwarding to BDPAC. CDFA staff will revise the Framework based on the above recommendations and send it to Ms. Laychak for formatting. She will then include it in the mailing to the BD PAC for their June 5 meeting.

Ms. Lucas congratulated staff on their work on the Framework and expressed her approval of the way the stakeholders were engaged in drafting the document.

- 15 minute break -

6. Working Landscapes Subcommittee Work Plan

Along with the Draft Framework PSP, the Subcommittee has also been working on developing and finalizing its workplan and smaller work groups were formed to expedite the effort. The most recent draft of the workplan (May 6, 2003) was circulated for review again and a few comments were received and revisions made.

GOAL I

Dan Ray commented that he was troubled by some of the language in the workplan that committed the agencies to certain activities, rather than recommend that those commitments be made. He recommended that language be revised. Mr. Broddrick concurred that global edits will be made to the plan to revise language as the Subcommittee has no authority to direct funds.

Ms. Lucas asked how CALFED could provide funds to leverage Farm Bill funds for California. Mr. Trott responded that there are potential avenues to provide cost share, but they are not simple to achieve. One avenue may be the Partners and Cooperation Program recently

approved as part of the 2002 Farm Bill, as well as a CREP. EQIP would be more difficult as those are contracts with individual growers. Mr. Ray also suggested that in terms of EQIP funds there may be an opportunity to identify a source of funds for a certain activity or range of practices and CALFED could fund a certain percent of those. Mr. Shaffer said that we should also review federal EPA programs as potential cost share. Todd Manley informed the Subcommittee that NCWA has been successful in receiving non-federal cost share for CVPIA fish passage projects.

Eugenia Laychak suggested that language in the documents needs to be amended to reflect the change in name of CALFED to the California Bay-Delta Program. Sarah Beamish suggested striking references to the Bush Administration.

Cindy Lashbrook, a Merced County grower asked about the history regarding the sample performance measure on landowner participation being removed from the list. Staff replied that it was dropped because we have struggled to get landowners to participate that we do not want to set a target we cannot make. She also said that it is a daunting task for landowners to figure out funding sources and match requirements. Mr. Brodrick replied that there was no silver bullet to get their participation, though it is extremely valuable.

Ms. Cady suggested that opportunities to leverage Farm Bill funds be an agenda item for a future WLS meeting.

GOAL II

Ken Trott reviewed the draft and responses to date. This goal is the most controversial because of the inclusion of a mitigation bank action item.

Chuck Vogelsang recommended that the Subcommittee produce a common language relative to mitigation. There is a need to clarify "mitigate" in terms of the law and "mitigate" in terms of the CALFED Record of Decision (ROD). He noted that the ROD uses the term, "mitigate/minimize". Mr. Brodrick suggested that the Subcommittee avoid getting mired in CEQA. There are other venues where the CEQA issues are being addressed.

Mr. Vogelsang agreed and said that not all CALFED agencies are in agreement about the creation of a mitigation bank. Shaffer said that interpreting the ROD mitigation measures is an

appropriate job for the Subcommittee. Shaffer also agreed with Mr. Vogelsang about mitigate/minimize language, but Lucas asked if changing the language of the goal would require BDPAC approval. Laychak said that the whole plan will be reviewed by BDPAC; including any changes to this “living document”.

Jeannie Blakeslee expressed concern about making changes to the California LESA model. Any changes would require substantial review and approval, though she thought it might be a useful exercise. She said that she has already started working on this.

Broddrick said that there seemed to be consensus on continuing to use “mitigate/minimize”. Mr. Trott said that he would prepare language to better define the use of the word “mitigate”. Mr. Trott reviewed the suggested changes he had received to date; he also said that perhaps the mitigation bank should be explored in another geographic area other than the Delta where the issues surrounding restoration are not so complex. Mr. Shaffer said that the notion of a mitigation bank has two parts; one dealing with project impact mitigation, and the other dealing with CALFED farmland protection objectives.

Ms. Lucas stated that in her opinion, when the ROD stated that CALFED would “support the California Farmland Conservancy Program” that meant creating a mitigation bank. Mr. Trott, noting that it was also an early suggestion by Patrick Wright, then reviewed the history of the recommended goal of creating a mitigation bank. Ms. Lucas said that this ROD commitment is vague and the mitigation bank is the Subcommittee’s attempt to interpret it.

Elizabeth Patterson suggested that rather than creating a mitigation bank, a CALFED agricultural land trust could be developed as a mutually beneficial solution. From her perspective, urban conversion of agriculture is clearly the greatest threat, followed by the threat of water transfers. She felt that LESA could be used in both cases to determine mitigation, although she noted that there are implications of water supply infrastructure are not included in LESA. Mr. Broddrick cautioned that CALFED goals are not necessarily in synch with addressing urban impacts.

Mr. Ray suggested rewording the mitigation bank language to reflect Patterson’s suggestion of a land trust and moving it Goal 1. Vogelsang agreed.

Ken Roberts also endorsed Ms. Patterson's suggestion; he supported the idea of a local land trust with local control, but with CALFED conditions. He thought that CALFED agencies could work with local organizations to address mitigation issues.

Ms. Lucas stated part of our charge as a Subcommittee is to recognize the inherent value of agricultural land and that it can coexist with habitat. She said she no problems with setting up a conservation bank that could function to do mitigation too. However, she warned that it would be disingenuous to call it a land trust and then back off from mitigation commitments.

Mr. Roberts stated that from his perspective it would be a kind of mitigation in itself, but it should be locally controlled and that the term "bank" should not be used.

Mr. Trott said that, as first envisioned, the mitigation bank would not be a vehicle for the state to purchase agricultural land with mitigation funds, but to grant funds to local land trusts to do so.

Ms. Beamish stated that from it is more important to preserve land than save dollars in a bank.

Mr. Manley was concerned that the bank/trust be involved only with acquisition and that easements should also play a role. The group acknowledged that easements would be the primary strategy. Ms. Lucas repeated that the Farm Bureau wants the mitigation bank to be part of this action item

Ms. Patterson suggested using the term "Program" rather than "bank". It was agreed then that Goal 2, A, 4 would be moved to Goal I, B, 4. Mr. Shaffer said that Goal II A 4 would remain up to the words "In particular, ..." The Subcommittee then reviewed the remainder of Goal 2.

Ms Lucas asked for an explanation of why "Payment of In-Lieu Taxes" was moved to subgoal II, if CALFED's Science Program is not dealing with economic research. Shaffer said that the Science Program should address economic/social research. He suggested having someone from the Science Program at the next WLS meeting to discuss.

Ms Lucas expressed concern regarding other proposed changes in Goal 2 C, she felt that the proposed changes made to Goal II c less clear. It was suggested to change "relative" to "compared".

Mr. Ray commented that during the last three years, the ERP has emphasized easements and cooperative agreements rather than acquisitions. Mr. Shaffer reminded folks that a Working Landscapes perspective includes a range of mechanisms for land protection, including but not limited to fee acquisition. There is a need to factor in the entire range of strategies. Ms Patterson suggested reviewing the PARS study for research on socioeconomic impacts.

(Due to a previously scheduled meeting for another group, the Subcommittee switched meeting rooms at CDFR).

Subcommittee members made other editorial suggestions to Goal II.

Mr. Broddrick suggested that easements need to be included but they can have restrictions too. Ms. Patterson said that with the general concerns about long-term management of lands acquired, easements and maintaining land in private ownership are a cost effective strategy. Ms. Beamish said that from her perspective, we were missing the concept of addressing the threat of conversion of ag land by urban encroachment. Ms. Patterson recommended reviewing a UC Berkeley study on farmland and urbanization.

Steve Shaffer asked whether the document should retain the sample performance measures currently included in the document. The consensus of the subcommittee was to remove them from the current draft but continue to work on them.

Goal III

Pat Akers relayed the Delta Protection Commission's comments about the need for adequate staff resources. Broddrick said that that was already covered in Goal I.

In an effort to use media that the farming community commonly uses, it was suggested that radio spots be included as an outreach tool. It was also recommended that the calendar be deleted and the reference to "publications" be changed to "media", the Subcommittee agreed. Mr. Broddrick felt that the last sentence of Goal III, C came across as condescending to landowners. Patterson suggested generalizing and changing "schedule" to "determine need to schedule".

CDFA staff will revise the Workplan based on the above recommendations and send it to Ms. Laychak for formatting. She will then include it in the mailing to the BD PAC for their June 5 meeting.

7. Public Comments.

None were received.

8. Next Meeting Date and Agenda

No meeting was set. Mr. Broddrick requested CDFA staff to contact folks to find an optimal day that does not conflict with other meetings (if possible!).