

Meeting Summary
California Bay-Delta Public Advisory Committee
Working Landscapes Subcommittee
June 3, 2004; 9:00 am – 12:00 pm

Working Landscapes Subcommittee web site:

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

Ken Trott, California Department of Food and Agriculture acted as chair, as Denny Bungarz was unable to attend and the other co-chair is vacant.

1. Chair's Report

Ken Trott reported that Denny Bungarz had spoken with Gary Hunt, Chair of the California Bay-Delta Authority (CBDA) and Patrick Wright, Executive Director of the Bay-Delta Program about filling the vacant co-chair's position. Since co-chairs must be appointed from the Bay-Delta Public Advisory Committee (BDPAC), Bungarz reported that the Authority first needs to fill several vacant positions on BDPAC in order to have a full slate of members from which to choose. Trott said that he believes CALFED expects to deal with the BDPAC vacancies by the end of summer.

Trott noted that there had been no Working Landscapes Subcommittee meeting in May. The plan had been to have a joint meeting with the BDPAC's Environmental Justice Subcommittee (EJ), focusing on water transfers. However, because EJ now has lost both of its co-chairs, it was decided to postpone the joint meeting on this sensitive topic until both Subcommittees had co-chairs.

In regards to analysis of the Land Evaluation and Site Assessment model (LESA); Trott said that while work on the Land Evaluation and Site Assessment (LESA) model remains on the Subcommittee's work plan, current CALFED litigation over CEQA prevents key agencies from participating in the LESA discussion. Therefore, work on the application of LESA as part of a CALFED agricultural land conversion mitigation protocol, will be postponed in deference to other work plan action items, pending resolution of the lawsuit.

2. Agency Reports

Delta Protection Commission

Margit Aramburu with the Delta Protection Commission (DPC) reported that she has been in contact with American Farmland Trust (AFT) about continuing the proposed study of agriculture in the Delta. The study is meant to define how much agricultural land must exist in the Delta to sustain a viable agricultural economy there. This study was derailed by changes in leadership and staff at American Farmland Trust. However, the new director has reviewed the work plan and is interested in pursuing it; they will be looking for the necessary sources of funds to carry it out.

Tom Zuckerman with Central Delta Water Agency asked about the status of recent legislation that affects the DPC. Aramburu replied that AB 2476 by Assembly Member Wolk adds five more seats to the commission: two environmentalist, one recreationist, one from the California Bay-Delta Authority (CBDA), and one for historical preservation. The bill would also direct DPC to identify impacts on primary zone resources of development in the secondary zone of the Delta.

Aramburu also reported there is an agreement on mitigation of agricultural land conversion for the Stewart Tract development, the River Islands project. She said that the agreement proposes a per-acre mitigation fee that could generate as much as \$8 million in fee revenues. Aramburu reported that an agricultural land trust that would cover four counties in the Delta is in the works. She said that such a trust would be rather unusual since typically trusts only take in a single county.

Zuckerman commented that what's happening in the vicinity of Elk Grove and the Cosumnes Preserve may be a portent of future difficulties; i.e., land values, driven by speculation, are going up so fast that it's becoming very difficult to acquire adequate amounts of mitigation lands. Trott noted that different towns take different approaches: Some focus on obtaining easements from more distance, less expensive lands; others use a mitigation fee rather than the direct dedication or purchase of easements; still others steer away from the notion of easement compensation and focus on mitigation that results in the improvement of the infrastructure necessary to sustain agriculture (e.g., water availability). Tina Cannon, Dept. of Fish and Game said that both temporary (e.g., Williamson Act) and permanent land protections can have value according to the situation.

Aramburu said she had a copy of the Stewart's Tract agreement for anyone who wants to review it.

California Bay-Delta Authority

Vicki Newlin, CALFED's regional coordinator for the Sacramento Valley reported that the Delta Improvement Package and the Financing Options Report will be discussed at the next CBDA meeting.

Aramburu asked about the process for getting new people onto BDPAC. Newlin replied that Patrick Wright is working on how to move that forward. Zuckerman said the original appointments were made by the Secretaries of Resources and Interior. Cannon noted that BDPAC falls under FACA so it has to follow certain rules.

Newlin reported that Sacramento River Conservation Area Forum is working with NOAA Fisheries to present a workshop in Willows on the use of FESA's Action Specific Implementation Plans.

Dept. of Conservation

Nothing to report.

Dept. of Fish and Game

Scott Cantrell, Dept. of Fish and Game said Dave Zezulak and his group are working hard on the milestones assessment. It should be ready by the end of June and will be posted on CALFED's web site. It will determine the course of the Ecosystem Restoration Program and whether to continue the Environmental Water Account. This review has taken significant staff time.

Dept. of Food and Agriculture

Trott reported that he and Casey Walsh Cady are preparing for a tour of agricultural stewardship and innovation for the Secretaries of Resources, CalEPA and Food and Agriculture. The tour is scheduled for June 7th.

Trott noted that CDFA's Steve Shaffer has month remaining on his assignment to the Governor's CA Performance Review team.

Trott also reported on the Agricultural water quality grant program being administered by the SWRCB that may provide up to \$50 million to organizations, non-profits and local districts and other regional groups. Two hearings on the guidelines will be held. Blakeslee said that the Dept of Conservation is assisting to streamline the grants process. Aramburu asked if the program is targeted towards the ag waiver. Trott replied that that's a major focus but not the only one. CDFA and others have been trying to coordinate this program with NRCS Environmental Quality Incentives Program funds, but coordination will need to take place primarily at the county USDA work group level.

3. Delta Improvements Package Draft Implementation Agreement

Tina Cannon presented the Delta Improvements Package Draft Implementation Agreement. This will be presented at the upcoming CBDA meeting. (Note – the MOU and associated Powerpoint presentation are available on CALFED's web site (www.calwater.ca.gov)).

The state and federal agencies are coordinating their assumptions and schedules to move forward with a set of activities focused on the Delta that are consistent with the CALFED Program's principle of balanced implementation. The MOU is a document to lay out the coordination of these key activities. This will help the signatory agencies implement the CALFED Record of Decision (ROD) in a balanced manner and avoid the conflict and gridlock that the CALFED Program was created to address.

The purpose of the Memorandum of Understanding is to clarify the roles, responsibilities and commitments of the signatory agencies in the implementation of programs, projects, evaluations and other undertakings focused on the Delta region that advance the CALFED Bay-Delta Program goals in the areas of ecosystem restoration, water quality, water supply reliability and science.

Elements of the Delta Improvement Package include:

Water Supply and Reliability

- Implementing the State Water Project and Central Valley Project integration plan
- Design and construct SWP/CVP intertie
- Increase SWP permitted pumping rates to 8500 cfs

Ecosystem Restoration

- Update programmatic regulatory commitments
- Launch expanded EWA

Water Quality

- Permanent operable barriers
- Develop San Joaquin River salinity management plan
- Address Stockton dissolved oxygen problem
- Develop strategy to improve Frank's tract

Science

- Independent reviews of specific actions

Discussion: Aramburu noted that the Delta Regional Ecosystem Restoration Implementation Plan is mentioned in the MOU, but what it's supposed to do is unclear. Cannon agreed, noting that it's not clear whether the DRERIP is intended to be an information or action document. If it's the latter, it would likely need an environmental review.

Aramburu asked if the MOU's Attachment A would be available by the BDPAC meeting. Cannon said she expected that it would be. (Attachment A lays out the timing of the proposed projects.)

Cannon noted that the MOU is up for approval at July BDPAC meeting. It was also unclear who would be the signatories on the MOU. (According to the posted draft MOU signatories to the MOU would likely include CA Department of Water Resources, CA Department of Health Services, CA Department of Fish and Game, CALFED, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Services, NOAA Fisheries, and Region 9 of the U.S. EPA.)

4. Follow-up on recommendation to Independent Science Board to include Economics and Sociology

Trott said that WLS had been working over the last few months on getting a recommendation to BDPAC that the Independent Science Board should include expertise on sociology and economics. WLS staff have circulated the letter to other BDPAC Subcommittees. In the meantime, the ISB has independently determined that they are interested in including economics and possibly sociology on the Board. So the letter has been changed from making a recommendation to stating support for this prospect.

The question before WLS is to take a look at the letter and decide whether we should send it to the Lead Scientist via BDPAC. The motion was made, seconded, and passed by consensus.

5. Update on Payment in Lieu of Taxes

Trott stated that the recommendations the group was bringing forward were: 1) to call for the federal government to make full payments of PILTs as recommended by BLM (Trott reported that John Hoffman believes that constituents need to complain about this failure, and that the CBDA should be the responsible party making the complaint); and, 2) the federal PILT regulations should be amended to identify CALFED specifically as needing to meet PILT. On the state side, the recommendations will be: 1) the PILT payments need to be identified clearly in the state budget as a line item; 2) there is a need for legislation to require that PILT payments must be made as an effect of CALFED actions; and, 3) back payments should be made.

Aramburu asked if state departments other than Fish and Game make payments. Zuckerman said, not really. It's in the F&G codes for wildlife preserves but not for acquisitions by other departments. Aramburu said maybe it should be a goal to get it in the laws for the other departments.

Sutton raised the question as to whether there were different categories of projects that had different kinds of impacts on communities. Cannon replied that there are anecdotes, but to move from there we'd have to gather data and follow several projects. Aramburu said one approach would be to look at projects where there was a study predicting that there would be a local effect and then go back and look to see what the actual effect was. Becky Sheehan with California Farm Bureau commented that it would be necessary to focus on highly agricultural areas where the impacts can be more easily evaluated. She said there had been a study done on Firebaugh that could serve as an example. It would be well to keep the studies relatively discrete and compact.

Newlin raised the issue that it's not too helpful to require paying more if they already don't pay what's required.

Sutton raised the issue of third party impacts and combining it with PILT. Cannon wondered if public acquisition of agricultural lands was a good target of WLS' energies, or if WLS should focus on identifying and combating the greatest forces leading to agricultural land conversions, urbanization. Sheehan agreed that sprawl is a major threat, but questioned why government agencies seem to favor buying land for only one purpose, i.e., habitat? She pointed out that protected lands could have multiple uses, including continued agricultural uses. Trott noted that in the past ten years one of the major causes of land leaving the Williamson Act program has been public acquisition, in some years at least equal to land coming out of protection via contract nonrenewal, the normal way of Williamson Act contract termination.

6. Audubon's Landowner Stewardship Program

Vance Russell gave a presentation on the Landowner Stewardship Program. This effort works with farmers and ranchers in Putah and Cache Creek region (western Yolo County) to design and implement conservation projects. The program provides technical and financial assistance to landowners who wish to implement conservation projects. The objectives are to enhance wildlife habitat with connectivity, eradicate/reduce non-native invasive species, minimize erosion and improve water quality. (A copy of the presentation is available from CDFA staff; please contact CDFA at (916) 657-4956).

The issue of Safe Harbor for landowners participating in the watershed projects of the Audubon programs came up. Mike Krug noted that it's more difficult to deal with the Endangered Species Act in California than many other states because of the number of listed species, and relative lack of experience of growers in working with agencies on ESA. Cannon stated that SB 231 is the state's version of Safe Harbor, but has been a victim of its own success; so flexible that it doesn't do enough to meet federal ESA protections. She said that safe harbor provisions need both federal and state assurances. Cannon pointed out there is also an opportunity for protection of landowners under FESA Section 10. Krug said that the pressing need is to move from the context of urban development to working in working landscapes situations.

7. Public Comment

Trott noted that he had worked with Zuckerman and Aramburu on the NRCS workshop for landowners in the Delta. It had been well attended, with 50 people or so, about half of which had been landowners and their representatives. It has been suggested to repeat it in other parts of the state and to also present similar workshops, focusing on the offerings of other private landowner stewardship programs. Newlin said there was definitely interest in the Sacramento Valley and that she would like to work with Trott in organizing a similar workshop.

Newlin mentioned the CALFED Regional Plans and that they were trying to integrate them with the Bulletin 160 regional profiles. They were having a little difficulty because of the different goals of the two efforts, so they could still end up as two sets of regional profiles.

8. Next meeting

Among the agenda items for the July Subcommittee meeting will be the North Delta Improvements Project and the 10-year finance plan for CALFED.