

DRAFT MEETING SUMMARY

Working Landscapes Subcommittee California Bay-Delta Public Advisory Committee July 22, 2003, 1:00 am – 5:00 pm

California Department of Food and Agriculture, Room A-447

Subcommittee web site:

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

1. Introductions

Introductions were made. **Denny Bungarz** called for corrections to the May 22, 2003 meeting summary. None were offered and the meeting summary was adopted by consensus.

2. Co-Chairs Report

Ryan Broddrick announced that he had a scheduling conflict and would need to leave the meeting early. **Bungarz** noted that the California Bay-Delta Authority's (CBDA) first meeting was scheduled for August 14, 2003.

3. Agency Reports

CA Department of Food and Agriculture (CDFA). **Steve Shaffer** reported that CDFA staff has been assisting the State Water Resources Control Board in the review of about 140 grant proposal concepts (out of over 800 submitted) for non-point source pollution control, watershed and drinking water quality improvement grants. He noted that CDFA was pleased with the quality of the proposals being considered.

Shaffer announced that the latest round of Farm Bill program rules, this time for the Conservation Reserve Program interim rules, were released for public comment. He said that CDFA and Resources Agency worked together to prepare joint comments that went out under Secretary Bill Lyons signature.

Shaffer also announced that CDFA had prepared and submitted comments on the Central Valley Regional Water Quality Control Board's proposed agricultural conditional waiver of the Waste Discharge Requirements.

Ken Trott gave an update on the progress towards a Delta-wide Conservation Reserve Enhancement Program (CREP) area. He noted that while there seemed to be landowner interest in the CREP, key agencies have been cautious. He said that CDFA staff would be

meeting with representatives from a landowner group in the Yolo Bypass about their interest in the CREP there.

Shaffer announced on behalf Margit Aramburu (who had not arrived yet) that the Delta Resource Conservation and Development application to USDA had been turned down in favor of an RC&D in the Central North Coast. Shaffer said that he expected that an effort will be made to resubmit the application next year.

California Department of Conservation (DOC). **Erik Vink** announced that the Department's Williamson Act Status Report for 2002 was now available. He also revealed that the Resource Conservation District (RCD) Watershed Coordinator Grant Program had been funded for the next three years by CBDA to the tune of \$9 million, or an average of \$3 million per year. The major change in the program over previous years is that the grants will not be restricted to RCDs, but will be open to all groups addressing watershed projects. **Vink** noted that the rules for the program are being developed now, and that there will be a series of five local workshops during late summer and fall on the Program, the first workshop to be held in Marysville on August 22, 2003.

California Department of Pesticides Regulation (DPR). **Kathy Brunetti** introduced Belinda Messenger as DPR's regular representative to the Working Landscapes Subcommittee. **Brunetti** said that DPR had also commented on the Waste Discharge Requirement and was working with US EPA on a recent circuit court interpretation of the law; i.e., that the Waste Discharge Requirement does not require a permit for agricultural discharges. Finally, **Brunetti** noted that their staff was also reviewing the State Water Resources Control Board's consolidated grant proposal concepts.

California Bay-Delta Authority (CBDA). No report was offered.

CA Department of Fish and Game (DFG). **Dave Zezulak** announced that they, too, were involved in reviewing the State Water Resources Control Board's consolidated grant applications.

4. CBDA Science Program

Kim Taylor introduced herself as one of three CBDA Science Program staff. She said that the goals of the Program are to serve as an independent voice on science to CBDA and its other

programs; feed technical information into the CBDA program implementation process; organize and facilitate the injection of outside scientific perspectives on the CBDA program; and, set up a system by which to document changes in the Bay-Delta system as a result of the money being spent on the CBDA program.

Taylor stressed that the CBDA staff does not actually do science, but coordinates and synthesizes internal and external science, including peer review.

Tom Zuckerman said that the CBDA Levee Subcommittee had previously raised several scientific questions to the Science Program, but has yet to see any work on them. He hoped that with the additional funding for Science in Proposition 50, the Levee Subcommittee would see some results on these questions soon. **Margit Aramburu** also pointed out that a fair amount of in-channel work is in the offing for CBDA, but there is yet any good information on “windows of opportunity” for such work that would avoid fish migration.

Taylor said that the Science Program is less concerned with research that addressed site-specific questions, and more interested in broader, solution area-wide questions that have broad applicability to program implementation. She also noted that the Science Program has migrated away from trying to incorporate research into each funded project and towards a strategy that focuses on a few prototype projects whose research and monitoring will bear fruit for a wide range of projects.

Laychak asked if the Working Landscapes Subcommittee had developed science questions.

Broddrick replied that the Subcommittee hasn't, but has acknowledged that the working landscape premise (i.e., that this kind of landscape can seamlessly meet the many goals of CALFED and yet be profitable place for private landowners) needs testing. Aramburu agreed saying that we need to validate our existing assumptions about the benefits of the practices that are supported by CALFED.

Taylor recommended the Subcommittee's use of the peer review journal, the CALFED Science Newsletter, of the Science Program, as a venue for testing assumptions. **[Kim, could you correct and/or clarify this suggestion? It wasn't clear to me if you were talking about two separate publications or not. Also, it wasn't clear to me exactly how you envisions the Subcommittee and staff using this venue to develop its science questions/agenda]**

Zeulak said that one science question that he would like to see the Subcommittee take on is the question about the relative wildlife benefits of one type of agricultural/habitat management practice over another. He said that he expects that a future round of Ecosystem Restoration Program grant PSPs will provide an opportunity to fund projects through which these questions can be addressed.

Taylor pointed to the tidal wetlands restoration work of CALFED as an example of how the science agenda can be approached. She said that scientist in this work looked at their successes and the controlling factors for the success and then asked questions around these factors and their replication.

Dan Ray said that there are economic or socio-economic science questions that may be paramount for the working landscapes agenda.

Taylor acknowledged that the Science Program may be better equipped right now at some fields of science than others, noting that the economic and social sciences fell in the latter category. She announced that the Science Program is readying its first set of names for the Authority's Science Panel. She expects that the Authority will want to broaden the panel to shore up the weak areas such as economics.

Ray wondered how the Subcommittee could elevate this need to the Authority.

Taylor suggested a letter to the Authority(?) [I missed this part of the discussion] was appropriate. **Aramburu** volunteered to work with others on the Subcommittee to frame the Working Landscapes Subcommittee science questions that would be conveyed to the Authority via a letter from the Subcommittee. **Shaffer** suggested working closely with the Environmental Justice and Watersheds Subcommittees to help formulate the science agenda for the Subcommittee. He said that this is something we need to do anyway since each CALFED program is now expected to have a science component to their program plans.

Zuckerman said that the basic question for the Science Program as far as he is concerned is what do regulators need to know to regulate effectively and equitably.

Taylor responded that both types of scientific work are valid; i.e., what science does regulators and problem-solvers need?

Rhonda Lucas suggested that the Subcommittee staff check into the work of the UC Cooperative Extension and rice industry for past and future work related to working landscapes.

Zuckerman agreed, but said that before we start relying on various work done by others, the Subcommittee needs to prepare a working landscapes science protocol to guide project selection and design with respect to the kind of information that needs to be gathered and how.

Taylor responded that this is important to do, but that rather than impose this protocol on each project funded, the Science Program would like to see prototype projects targeted for a research and monitoring component.

Zuckerman said that this was fine, but regardless, there is a perception out on the working landscape that CALFED is not getting any closer to answering the critical management questions.

Shaffer asked Taylor how the Subcommittee should go about putting together a science agenda and needed funding to support it.

Taylor said that with respect to funding, ways will be found to address the critical questions, but in the meantime, the Subcommittee should look for the scientific experts it would like to see resident on the Subcommittee (e.g., in Cooperative Extension) and invite them to participate. She also stressed the value of identifying science questions that have cross-program value.

Bungarz concluded the discussion by directing staff to follow-up on Taylor's suggestions, as well as Aramburu's offer to work on a letter to the Authority on the need for socio-economic scientific expertise on the Science Panel.

Shaffer agreed and noted that today's discussion is just the beginning of the Subcommittee's work on a science agenda.

5. The California Farmland Conservancy Program

Erik Vink, Assistant Director of the Division of Land Resources Protection, Department of Conservation (DOC), gave an overview presentation on the Department's California Farmland Conservancy Program (CFCP). He described the program, which has received approximately \$65 million from recent bond measures, or about \$10-15 million per year, as a farmland protection grant program. He said that the Program grants money to local non-profit trusts and governments to buy perpetual agricultural land conservation easements on productive farmland. He said that the Program also makes planning grants to support the development of local policy capacity to implement farmland protection programs. While no grants have yet been made for the purpose, the CFCP also makes grants for land restoration work on easement-protected lands. He added that more recent changes to the law allow private and federal deposits to the CFCP Fund for designated acquisitions.

He noted that the CFCP is just one of five open space land acquisition programs involved in agricultural land protection: the Wildlife Conservation Board, the State Coastal Conservancy, the USDA Farm and Ranchland Protection Program of the new Farm Bill, and the new USDA Grasslands Reserve Program.

He said that DOC works closely with the USDA in coordinating federal funding for agricultural land conservation easements, but the federal funding has been lean.

Vink said that to-date CFCP has protected 21,000 acres of farmland valued at \$50 million using \$25 million of CFCP funds. He said that most of the easement acquisitions have taken place in the Salinas Valley, the San Joaquin Valley and the Sacramento to Bay Area I-80 corridor.

Vink noted that the CFCP has a few somewhat unique, and sometimes controversial, statutory limits. First, the law requires a local government resolution of support for a proposed acquisition. Second, the statute prevents a conservation easement from limiting agricultural husbandry practices that can be applied on the restricted lands. He said that this has caused tension with at least some wildlife groups who would like to require perpetual wildlife friendly agricultural practices on protected lands.

He said that the third aspect of the CFCP that creates a bit of a stir is the review provision under which conservation easements can be reviewed and terminated after 25 years under very limited circumstances. He said that this provision was added to address the concerns of landowners and local governments who fear that one day they could wake up to find the easement land surrounded by urbanization and unable to support agricultural uses. Vink added that the provision is not mandatory and since some landowners are concerned that IRS will not give them the tax benefits of having an easement on their land if the 25-year review is deemed to render the easement impermanent, they have waived the provision in their agreements.

Trott asked if the CFCP could use CALFED funds to help accomplish its land protection goals.

Vink replied that that could be done as long as the CALFED-funded protection was consistent with CFCP statutes, including the “no limits on agricultural husbandry” provision, although he was not certain that the latter provision would apply if the funds were not CFCP funds (i.e., earmarked by the Legislature for CFCP).

Trott also wondered if a working landscape approach could be taken with the CFCP easements; i.e., if agricultural-compatible habitat improvements on candidate lands took minor amounts of land out of production, or restricted some kinds of agricultural practices for the benefit of wildlife, but improved the overall profitability of the farm, could it be protected under CFCP?

Vink responded that CFCP is intended to preserve land as productive agricultural land, including as much flexibility to adapt to future production demands. He said that any restrictions on the land that inhibited its agricultural uses would not be allowed. He said that a subsequent layered easement that restricted agricultural use is also discouraged; the Department doesn't want to be considered the bargain basement for inexpensive habitat land purchases. He suggested that where lands have multiple resource values, easements for different purposes be edge joined to protect the different landscape types on the parcel(s) protected.

Vink said that an exception for temporary restrictions on agricultural use could be permitted on CFCP-protected land; e.g., 15-year Conservation Reserve Program contracts.

Elizabeth Patterson asked how the CFCP could work with DWR's Floodplain Corridor Protection Program and with the Floodplain Task Force's working landscape approach to floodplain protection. She wondered if there were tweaks that could be made to CFCP to help make agricultural land more floodplain friendly.

Vink said that the same rule would have to apply; i.e., that the agricultural land protected could be managed free of restraint on the kinds of crops and husbandry that could be used.

Zuckerman asked about the potential impacts of CFCP easements on the local tax base.

Vink said that this has not been an issue as most lands protected have already been under the Williamson Act, which restricts property valuation to agricultural value. He said that the State also reimburses local governments for potential tax losses through the Open Space Subvention Entitlement Act, which now applies to CFCP-restricted lands as well as Williamson Act lands. Finally, he added that DOC wants to support local planning by funding easements that are consistent with city and county general plans, and by requiring that any easement purchases are supported by local governments as indicated by a written resolution.

Julia Berry asked about the demand for the program's grants. **Vink** said that right now there is more demand than dollars. **Berry** asked when the grant applications are available. **Vink** responded that the DOC now accepts grant applications throughout the year, but may move to application windows later.

6. Working Landscape Subcommittee Meeting Schedule

Bungarz said that a number of potential participants currently have conflicts with the Subcommittee's normal meeting time. He asked if there was another day of the month that would work better. **Todd Manley** said that the normal Thursday meetings of the Subcommittee are bad for the Northern California Water Association (NCWA). **Bungarz** suggested meeting in the morning to accommodate NCWA. It was agreed that meetings would start at 9:00 A.M. on the first Thursdays of each month.

7. Working Landscape Subcommittee Work Plan Priorities for Year 4

Trott initiated the discussion by asking the Subcommittee whether they wanted to set priorities according to available resources to accomplish the Plan's action items, or strictly based on the importance of a work item regardless of the feasibility of accomplishing it.

Zeulak felt that there were plenty of recommended actions that do not require budget to accomplish and that would give the Subcommittee some "instant gratification."

Aramburu agreed and suggested that a top priority should be the removal of barriers to landowner stewardship; i.e., regulatory assurances and permit assistance. She added that the kinds of actions that require dedicated funding should be brought about as goals of the recommended Working Landscapes PSP. For that reason, she said that the Working Landscapes Subcommittee needs to be a part of the team that writes the PSP.

Shaffer said that he feels like the Subcommittee has done much of that work in the preparation of the Working Landscapes PSP Framework document, adopted at the last meeting. He felt like the highest priority for the Working Landscape PSP was to have input on the posing of science questions to be answered by funded projects.

Lucas said that addressing the mitigation of CALFED impacts on agricultural lands and adjacent landowners should be the top priority. She pointed to Work Plan goals IIA and IB should be the top priorities, respectively. **Shaffer** and **Jeannie Blakeslee** concurred.

Aramburu also agreed, noting that work on the PSP will have long term pay-offs, but CALFED projects are moving forward now and the need for a mitigation protocol is immediate. **Blakeslee** said that she would volunteer to take the lead on those action items (i.e. IIA and IB). **Lucas, Aramburu, Trott** and **Berry** said that they would work with **Blakeslee** on the mitigation protocol beginning with the “look back” and the LESA model adaptation.

Laychak suggested that, based on the earlier discussion, Goal IIC (the development of a Working Landscapes science agenda) should be a high priority. She suggested that a first step, pending the Working Landscape PSP, could be looking at projects that have recently been funded to see if it is not too late to build in needed science for working landscapes type projects.

Chris Beale said that, likewise, the earlier discussion on the importance funding working landscapes project argued for a high priority to be assigned to Goal IA2 (support the development and implementation of working landscapes projects that advance the goals of CALFED).

Aramburu supported Goal IIIB as another high priority project for year 4.

After discussion, **Co-Chair Bungarz** summarized the agreed upon priorities:

<u>Goal/Action Item</u>	<u>Priority</u>
IIA1-4 – CALFED impact mitigation protocol	1
IB4 – Establish a CALFED Agricultural Land Trust	2
IA2 – Support working landscapes projects (as defined by IA3-4 and IIB)	2
IIC1-2 – Work with Science Program on social-economic research needs	1

Zuckerman suggested that part of priority item IA2, Subcommittee should work to make sure that project information on outcomes be made available to the public.

Shaffer asked for ideas on the first steps that should be taken for each priority.

Blakeslee suggested that the work group for Goal IIA1-4 should start immediately to gather information from Programs on past CALFED projects and their impacts on agricultural land.

Zuckerman and **Zezulak** said that they would start working together on IIC1b by talking with USGS scientists and producer group representatives on developing monitoring and evaluation protocols to evaluate the habitat benefits of farming and habitat practices.

8. CBDA Program Plans

Shaffer reported on the development and completion of other CALFED Program Plans, noting that CDFA staff had reviewed them all for consistency with the Working Landscapes Subcommittee work plan and the Local Partnership Planning Process white paper. He said that comments on the plans were forwarded to each Program manager. Overall he said that the program plans had already started including many working landscape elements.

9. Public Comment

Ken Roberts reported on a recent workshop that he attended by rangeland management and stream restoration expert, Alan Savory. He suggested that Savory be invited to be a keynote speaker at the next CALFED Science Program conference.

Zezulak reported that there is a committee of CALFED currently putting together the agenda for the Science Consortium. He said that this year's consortium will take place in the Bay Area and focus on estuary issues. He said that he would get in touch with the planning committee about a session on working landscapes/adaptive management where Savory could speak. He asked Roberts to send him Savory's resume.

Blakeslee announced that there would be workshops next week, July 29, and in August (the 25th) in Sacramento on the Environmental Water Account EIR/S.

9. Date and Agenda for Next Meeting

The next meeting will be on Thursday, September 4th, 2003 at 9:00 A.M., location to be announced. The meeting was adjourned at 4:30 P.M.

Attendance

Ryan Brodrick, Co-Chair, Ducks Unlimited
Denny Bungarz, Co-Chair, Chair, Glenn County Board of Supervisors
Patrick Akers, California Department of Food and Agriculture
Margit Aramburu, Delta Protection Commission
Chris Beale, Resource Law Group/California Bay-Delta Authority
Sarah Beamish, Natural Heritage Institute
Julia Berry, American Farmland Trust
Jeannie Blakeslee, California Department of Conservation
Kathy Brunetti, California Department of Pesticide Regulation
Burt Bundy, Sacramento River Conservation Area Forum
Brad Burkholder, California Department Fish and Game
Bryan Ehlers, Government School of Public Policy, University of California, Berkeley
Syed Khasimuddin, California Department of Food and Agriculture
Leah LaGrande, Northern California Water Association
Eugenia Laychak, California Bay-Delta Authority
Jim Lowden, Corning Water District
Rhonda Lucas, California Farm Bureau Federation
Todd Manley, Northern California Water Association
Belinda Messenger, California Department of Pesticide Regulation
Kellyx Nelson, Governmental School of Public Policy, University of California, Berkeley
Elizabeth Patterson, California Department of Water Resources
Dan Ray, California Bay-Delta Authority
Ken Roberts, Sierra Resource Strategies
Pia Sevelius, Butte County
Steve Shaffer, California Department of Food and Agriculture
Bernice Sullivan, Friant Water Users Association
Jeff Sutton, Family Water Alliance
Kim Taylor, Science Program, California Bay-Delta Authority
Ken Trott, California Department of Food and Agriculture
Patrick Truman, California Association of Resource Conservation Districts
Erik Vink, California Department of Conservation
Tom Wehri, Central Delta Water Agency
Carol Wright, Sacramento River Preservation Trust
Dave Zezulak, California Department of Fish and Game