

**CALFED Bay-Delta Program  
Working Landscapes Subcommittee  
October 3, 2002  
California Department of Food and Agriculture, Room A-477  
1:30 – 5:00 pm**

**Draft Meeting Summary**

*Subcommittee web site:*

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

**1. Introductions**

The meeting began with a welcome from the co-chair Ryan Brodrick. (Brodrick noted that co-chair Denny Bungarz was unable to attend the meeting.) Self introductions were conducted.

**2. Meeting summary**

The summary of the September 5 meeting was reviewed and approved by consensus.

**3. Chair's Report**

Brodrick reported on the September Bay-Delta Public Advisory Committee (BDPAC) meeting in Southern California. Zuckerman and Brodrick both commented on the trend of in-basin water self reliance (e.g., Chino basin) through water reuse, desalinization and recycling.

Brodrick asked Patrick Wright to comment on the passage of SB 1653, the CALFED governance bill, recently signed by the Governor. Wright provided an overview of the essential elements of the bill. He said that he does not expect much change with respect to the day-to-day operations of CALFED. He reported that he is working with others on ways to ensure participation on the new CALFED Authority from key agencies that were not included in the authorizing statute, SB 1653. He specifically mentioned the Delta Protection Commission (DPC) and Department of Conservation (DOC).

Brodrick read a letter received from the Delta Protection Commission. The DPC reviewed and concurred with the Subcommittee's goals and high priority actions (agreed upon at the Subcommittee's September 5<sup>th</sup> meeting). DPC requested that the Subcommittee prepare a definition of "working landscape" in order to ensure a level of concurrence on the purpose and scope of the Subcommittee.

**4. Agency Reports**

CDFA – Steve Shaffer reported that CDFA Secretary Bill Lyons is in Washington, D.C. this week to, among other things, talk with Secretary Veneman and the California Congressional delegation about the conservation provisions of the new national Farm Bill.

USDA Natural Resources Conservation Service (NRCS) – Helen Flach announced that there will be a USDA State Technical Committee (STC) meeting on October 25, 2002. She reported that all 2002 Farm Bill funding has been spent and NRCS and FSA are preparing for 2003 FFY Farm Bill implementation. She said that the October 25th STC meeting will be, in part, dedicated to forming subcommittees to help in implementing the various components of the Farm Bill conservation program. In addition, Flach announced that NRCS will be holding a series of 10 Farm Bill meetings with landowners around the State over the next few months, concluding the last workshop by the end of December 2002.

Flach noted that the Farm Bill rules are coming, albeit later than reported by the NRCS national office.

She closed her report by pointing out that California was number one in the country in 2002 WRP funding, and received significant 2002 Farmland Protection Program funding. She said that NRCS-CA got this funding "out the door" without any incremental increases in staff, but at the expense of existing landowner assistance efforts.

DOC – Dennis O'Bryant announced an 18-month extension in funding for DOC's watershed coordinator grant program. The grant was provided by CALFED. He reported that this funding has been implemented. He said that in the past, the watershed coordinator grants have leveraged \$14 from local sources for each state grant dollar made to an RCD.

DPC – Lori Clamurro reported for Margit Aramburu. Clamurro announced that the Resource Conservation and Development Council (RC&D) application to NRCS is now being readied to submit for a Council in the Delta.

## **5. Informational Presentations – Landowner Assurances**

Becky Miller, Dave Smith and David Zezulak, all from the California Department of Fish and Game, lead a discussion of landowner assurances under the California Endangered Species Act. Miller began the discussion by reporting on her work with the Sacramento River Conservation Area Forum on a good neighbor policy (GNP). She said that the Forum is looking for input from landowners on the kinds of assurances that are important to them along the wildlife habitat and agricultural land interface. Against this list she said that the Forum is arraying the various assurances that are available. She felt that the Subcommittee could help with this exercise. She offered to send anyone interested a copy of the current version of the GNP.

Jeannie Blakeslee asked Miller how other states were resolving the adjacent landowner issues. Miller said that she did not know, but agreed that that would be good information for her to pursue.

Helen Flach said that Luana Kiger has returned to NRCS from her two-year loan to the CA Department of Water Resources, and may be available to assist with the GNP effort.

Zezulak handed out and reviewed Fish and Game regulatory code sections on Voluntary Local Plans pursuant to SB 231 ("Take Incidental to Routine and Ongoing Agricultural Activities). He said that these regulations were approved by the Office of Administrative Law on September 27, 2002. He asked that those interested in more information on this new program contact him.

Shaffer asked if there was a need for pilot projects to demonstrate the application of SB 231. Zezulak said that there was, particularly with willing resource conservation districts. Smith warned that SB 231 only dealt with the state ESA, not the federal version.

Smith reviewed his work on the North Central Valley Conservation Reserve Enhancement Program (CREP). He said that one of the major thrusts of the CREP was to provide incentives to landowners for the creation of wetlands and uplands habitat on marginal lands. He said that the participants of the CREP requested a biological opinion under the federal Endangered Species Act. The result was a blanket "take" permit for participating landowners for potentially affected species, effective throughout the term of the CREP contract and for three years thereafter. He said that currently 6,000 acres have been enrolled in the North Central Valley CREP. Smith felt that repeating this CREP and its related biological opinion elsewhere in California might be easier now that the precedent has now been set with US Fish and Wildlife Service (USFWS).

Zuckerman wondered when there would be better streamlining and coordination to harmonize the California and federal ESAs. Bob Neale said that it has been his organization's (Sustainable Conservation) experience that the pulling together of the two ESAs can best happen at the local project level through the assistance of NGOs like his, or the RCDs. Neale continued that each

local situation is unique and needs to customize the available tools, like a CREP, to address endangered species and other regulatory concerns. He concluded that we cannot afford to wait for Congress or the State Legislature to fix the respective ESAs while there are local projects with the momentum to proceed.

Smith listed several steps to get a CREP rolling: (1) a local/state agricultural resource problem must be identified and affirmed by a state's governor; (2) strong support from local growers must be present; (3) NRCS and Farm Services Agency (FSA) must be engaged early and be in support of the project; (4) affected land must either be designated by NRCS as Highly Erodible Lands (HEL) or be part of a Conservation Priority Area; (5) the kind of conservation practices, and incentives to implement them, must be identified by participating growers and eligible for USDA payments; (6) desired outcomes must be clearly set forth; and, (7) a state cost-share of up to 20 percent. Smith said that the main advantage of a CREP is the flexibility it offers landowners, including both relatively short-term contracts, as well as permanent easements, as one example. He also pointed out that CREP offers both financial incentives and cost-share; most USDA conservation programs offer only one or the other.

Flach reminded the Subcommittee that rangeland would not qualify for a CREP. Also, she warned that since there is not much in the way of HEL lands in California, for an area to become a CREP project it must be designated by USDA as a Conservation Priority Area first. She also noted that not only was it important for the state governor to sign-off on a CREP application to USDA, but for the state to offer a considerable match.

Broddrick stated that one reason he is interested in the CREP is because CALFED could be the vehicle for the state's match. He observed that securing Farm Bill funds to help achieve CALFED goals was one of the action items approved by the Subcommittee at its September meeting. He asked if there was interest on the part of the Subcommittee for its staff to work on developing a CREP project in the CALFED Solution Area.

Flach cautioned the Subcommittee that there are fixed "windows" of time for the submittal of requests to designate a Conservation Priority Area. She thought that the current window of opportunity was about to close. Given the timeframe and the fact that proposed CPAs must be delineated via the STC and have a local landowner group lined up in support, Flach felt it would be difficult to get a CREP application completed in time. She suggested that FSA (Larry Plumb) be contacted immediately to get FSA involved from the start, and to find out about the timeframe for the designation of a Conservation Priority Area. She said that currently there are already five CREPs in California, including Siskiyou, Northern Sacramento Valley (including Butte, Colusa, Glenn and parts of Placer, Sacramento, Solano, Yolo and Yuba Counties), Madera, Merced and San Luis Obispo Counties.

Shaffer wondered if there was any chance that if FSA were contacted tomorrow, a Conservation Priority Area could be approved for the Delta by October 25. Flach responded that it would not be impossible.

Shaffer said that he would commit his staff, and cajole CDF&G, DPC and DOC to do likewise, to work on a CREP and a Conservation Priority Area if there is still time.

Smith said that there is already impetus in the Delta for a CREP. He mentioned that grower, Steve Mello, was interested in a CREP for the Delta and is one example among a number of Delta growers who might be willing to take a lead role in developing a CREP.

## **6. Mission, Vision and Goal Statements**

Broddrick introduced this agenda item by saying that the current mission and vision statements still need more work. Shaffer agreed, saying that after staff did its last revision, he checked the

plans of other BDPAC Subcommittees and found that this Subcommittee's plan needed additional work to be made consistent with the others.

Zuckerman wondered if Subcommittee would be able to get a work-plan done by the end of the calendar year. Broddrick suggested that the work on the plan be done over the internet via Subcommittee's website and e-mail. Wright suggested that the Subcommittee meet in early November, right before the BDPAC meeting, perhaps on the first Thursday in November. By consensus, the Subcommittee agreed to meet on Thursday, November 7<sup>th</sup>.

## **7. Partnerships for Restoration**

Broddrick reviewed the discussion of the September Subcommittee meeting about the potential use of the Partnerships for Restoration proposal for the Subcommittee's work-plan. He said that at the last meeting, it was agreed that staff would prepare a compare and contrast analysis of the Partnerships for Restoration Proposal and CALFED's policies.

Ken Trott gave a presentation of the analysis he conducted on the Partnerships for Restoration proposal, the CALFED Record of Decision, the Working Landscapes Work Group action plan and the two-page CALFED white paper, "Local Partnerships Planning Process." Trott handed out a one-page analysis and matrix comparing the proposals' elements. Trott said that, in general, the two policies were comparable, but differed mainly in the details and the stage of development of implementation.

Kim Delfino said that the environmental community conducted a similar analysis and came to similar conclusions, noting that there are differences in the two working landscapes implementation proposals that would be difficult for the environmental community to accept.

Henry Rodegerdts agreed that the "devil is in the details", but that the two communities (farm and environmental interests) need to work together to hammer out the solutions. He stressed that there is a lot of anger among growers over land acquisitions for habitat, erosion of the local tax base, and the impairment of land use rights. As it stands now, he noted, we are not "getting better together." He concluded by saying that the farm community has made compromises, as reflected by the Partnerships for Restoration paper, and now it is the environmental community's turn for movement.

Zuckerman said that farmers' hearts are in the right place. In fact, he said, it has been his observation that most important on-farm environmental work has been accomplished by growers on a voluntary basis, without incentives or force of regulation. He cautioned that the Partnerships for Restoration proposal should not be down-played, but considered a good offer that reflects a reasonable compromise from the agricultural community.

David Guy responded by saying that today's discussion has been the most productive of the Subcommittee's meetings to-date. He said that the issues listed in Trott's matrix were a good outline of the issues that need to be discussed and resolved by the Subcommittee.

Ben Wallace said that the California Wilderness Coalition recommended sticking with the action plan that had been developed by the Working Landscapes Work Group. He felt that the Partnership's for Restoration Proposal was too ambitious for the Subcommittee to take on from the outset; it would require, among other things, changes in federal law. Also, because other interest groups were not involved in the process of developing the proposal, its use would engender opposition from the environmental group from the start. Wallace further noted that there are plenty of examples of successful projects that have been completed under the current legal framework, using existing tools, to conclude that a change in laws is necessary before successes can be achieved.

Wallace agreed that the matrix presents a checklist of key issues that need to be discussed in order for all stakeholders to buy-in on a particular approach, noting that the Partnerships for Restoration only involved the agricultural stakeholders.

Neale observed that the Partnerships for Restoration didn't really seem like a work-plan comparable to the Work Group's action plan, but a specific implementation technique that could be used to implement elements of the work-plan. He also pointed-out that the Work Group's action plan does seem to address many of the issues raised in the Partnerships for Restoration proposal.

Broddrick agreed, noting that the matrix highlights the major issues on which the Subcommittee needs to work. He suggested that the Subcommittee address landowner assurances in its work-plan. He also recommended that the Subcommittee work on the development of an economic benefit model for wildlife friendly agriculture/agricultural friendly wildlife management.

Shaffer agreed, stating that science has to be the basis for establishing an environmentally and economically sustainable working landscape.

Shaffer asked what the Subcommittee felt it could accomplish in a year three work-plan. He suggested that the Subcommittee rely on the existing action plan, and in the meantime continue to hammer away at the apparent issues of divergence as reflected by the Partnerships for Restoration matrix.

Broddrick offered that the proposed work-plan's agricultural element action item could be the venue for working on the issues highlighted in the matrix. He suggested that it might make more sense to work on these issues regionally than to try to come up with a statewide, one-size-fits-all solution.

Flach pointed out that NRCS operates on a policy of confidentiality with respect to landowner records. She said that NRCS will not participate in a project that breaches this confidentiality.

Zuckerman took exception to the stress placed on the three apparent conflicts between Partnerships for Restoration and CALFED's Local Partnership Planning Process policies. First, he said that confidentiality is not a real issue because the primary conservation assistance agency, NRCS, will not participate in a project unless the landowner's records are kept confidential. He felt that the dye has been cast on that issue. Second, he believes that how monitoring is conducted is a moot issue since CALFED doesn't monitor its projects now anyway; any monitoring a landowner were to do would be a bonus to CALFED. Finally, he wondered by a grievance process should be controversial. He felt that having a place where landowner concerns could be expressed and addressed would be useful to all parties in a project.

Zuckerman emphasized that not all farm groups are opposed to all forms of land retirement. He said that strategic retirement of marginal land could be beneficial to growers by reducing supply and improving prices.

Neale agreed with Zuckerman's comments about the areas of apparent conflict, but said that he preferred that the Subcommittee focus on those areas of common agreement and proceed to get things done based on the group's commonalities. He suggested that the Subcommittee build the groundwork for the solutions to the areas of divergence by securing success on the ground.

Delfino echoed Neale's opinion, noting that the environmental community sees the Subcommittee as a forum for resolving landowner concerns with CALFED actions (as expressed by the Partnerships for Restoration proposal) in such a way that all sides win.

Zezulak concurred with Delfino. He suggested that what the Subcommittee is talking about is how to give a level of comfort to landowners with CALFED so that good work on the landscape can move ahead.

Smith said that it has been his experience that landowners are comfortable with NRCS and the accountability procedures they require for technical and financial assistance.

Broddrick called a close to the discussion due to time. He reminded participants that CALFED merely calls for a continuing trajectory of improvement towards its goals; baby-steps are OK.

Shaffer suggested that the agricultural and environmental interests caucus off-line before the next meeting, with the caucus facilitated by Dave Zezulak. He said that staff would start working with FSA and NRCS on a USDA Conservation Priority Area in the Delta and/or Westside, as a first step towards a CREP project.

#### **8. Next Meeting**

The next meeting of the CALFED Working Landscapes Subcommittee was tentatively set for Thursday, November 7, 1:30 – 5:00 P.M. A final date, time and location will be announced by e-mail and posted on the CALFED Working Landscapes Subcommittee website.

#### **9. Public Comment**

No public comments were received.