

DRAFT
Meeting Notes
Delta Protection Commission Meeting
Thursday, January 25, 2001

1. Call to Order. The meeting was called to order at 6:35 p.m. by Chairman Patrick McCarty. Commissioners present were: Chairman McCarty, Brean, Broddrick, Cabaldon, Calone, Coglianesi, Curry, Ferguson, Glover, Sanders, Shaffer, Van Loben Sels, and Wilson. Commissioners absent were: Macaulay, McGowan, Mow, Nottoli, and Thomson.

2. Public Comment Period. Bob Potter, former Commissioner, said he understood Ryan Broddrick was retiring from State service and thanked him for his many years of service to the State and his commitment to the Delta Protection Commission.

3. Minutes of Last Meeting. On a motion by Commissioner Cabaldon and a second by Commissioner Curry, the draft minutes were unanimously approved by voice vote.

4. Chairman's Report. Chairman McCarty announced the next meeting of the Commission is scheduled for Thursday, March 22, 2001, in the Jean Harvie Community Center. Tentatively scheduled are: discussion of local government planning and programs regarding agriculture and mitigation for the loss of agriculture, a discussion of development of CALFED's ecosystem restoration plan in the Delta, discussion of strategies for preparation of a Delta Master Recreation Plan, and election of officers. Chairman McCarty announced there are openings on Subcommittees. He also noted that a briefing has been scheduled in February for the new Commissioners, and any others that want to attend. Chairman McCarty welcomed the new members of the Commission: Robert K. Ferguson, South Delta; Vice Mayor Bob Gleason of Lathrop, San Joaquin County Council of Governments; Supervisor Federal Glover, Contra Costa County; Supervisor Victor Mow, San Joaquin County; Topper Van Loben Sels, North Delta; and Daniel Wilson, North Delta. Chairman McCarty said draft resolutions had been prepared for former Commissioners Ferreira, Gutierrez, Mello and Salmon.

On a motion by Commissioner Coglianesi and a second by Commissioner Calone, the draft resolutions were approved by voice vote. Commissioner Calone asked that plaques be prepared for the former Commissioners who had served during the first eight years of the Commission; the suggestion was approved by Chairman McCarty subject to staff determining that the Commission has the ability to purchase plaques. Commissioner Calone said the plaques

should say "in appreciation for the X years of service", with the number of years on the plaque.

5. Commissioner Comments/Announcements. Commissioner Broddrick said he was retiring and said how much he had enjoyed serving on the Delta Protection Commission. He gave a framed print of a hunting scene to the Commission for the office. He said he will be leading the Valley Care and Bay Care programs for Ducks Unlimited. Chairman McCarty thanked Commissioner Broddrick for his outstanding service and contributions to the Delta Protection Commission on behalf of all the Commission members.

6. Attorney General's Report. Dan Siegel, Attorney General's Office, said there have been two recent judicial decisions which may be of interest to the Commission. The Supreme Court determined that the Army Corps' of Engineers regulatory authority under the Clean Water Act does not apply to isolated waters (ponds) even if those ponds are used by migratory waterfowl. If ponds are adjacent to wetlands, they do fall within the Corps' regulatory authority. He said the Department of Boating and Waterways has been carrying out a program to control *Egeria densa*, and was sued by the Baykeeper until they received a discharge permit from the Regional Board. District Court in Sacramento recently threw out the lawsuit and said the Baykeeper has no standing to sue because no injury has occurred since the DBW has said it will not start a program until they receive a permit.

7. Executive Director's Report. Margit Aramburu, Executive Director, reviewed the materials in the mailing packet including: Pending Projects memo, Grasslands Bypass Project Update, comment letter on Prospect Island Project. She noted the material passed out at the meeting including memo on the energy challenge, a status report on petition to revoke the waiver on agricultural return flow, information on the CALFED Bay-Delta watershed program; a letter from Office of Planning and Research, corrected first page of the acquisition memo, updated roster, and an updated memo re: CALFED Category III/Ecosystem Restoration grants. She noted the Strategic Plan has been submitted to the Resources Agency and on December 29 it was sent over to the Governor's Office. She reviewed the status of the regulations. She mentioned that a conditioned recommendation for approval has been released for final a vote by the State Water Resources Control Board on February 15. She noted that the Dredge Reuse Project's database is close to being completed, and we expect the first draft chapters to be reviewed by the TAP next month. Ms Aramburu suggested that Daniel Wilson be appointed to represent the Commission on the TAP; he has been participating in another capacity. Commissioner Calone could continue as his alternate.

Ad Hoc Recreation Committee has been working on a strategy for first steps toward preparation of a Delta Master Recreation Plan. That strategy will be presented at the March meeting.

Delta In-Channel Island Project: Secretary Nichols did approve a Phase II construction grant for the in-channel island pilot project. That work will start next summer when the construction window opens.

Delta levees: A MOU is being drafted to define the roles of DWR and the Corps in the CALFED levee program. When that MOU is completed, it will be sent to the Commission. She said the Delta Levees and Habitat Advisory Committee developed a list of about ten science questions they want answered; questions that affect the levee maintenance program. The questions were discussed with Sam Luoma, the CALFED Chief Scientist and he said over time all the questions raised would be answered in various science forums sponsored by CALFED.

Chairman McCarty asked Daniel Wilson to take the DPC seat on the TAP, with Commissioner Calone continuing as alternate. He recognized Jennifer Barton of Assemblymember Helen Thomson's staff. Ms Barton introduced Petrea Moyle, who will be working on Delta issues. Ms Aramburu added that Assemblymember Thomson may make a presentation on a Flyway Center project at the next meeting.

8. Update on CALFED Actions and Projects in the Delta Protection Commission

Dennis Majors, CALFED, referred to the one sheet handout of CALFED projects. He said CALFED is developing a Deltawide approach to implementation to bring together all the CALFED components. He said the sheet lists the CALFED commitments. The sheet also lists critical components of a successful program including input from the Delta community and consideration of the Delta as a whole. He reviewed various CALFED programs in the Delta: conveyance, storage, levees, water quality, ecosystem restoration, science program. He said he plans to bring a regional implementation strategy to the Commission in March.

Commissioner Calone asked if the through Delta and Cross Channel study had been completed; Mr. Majors said the pilot study has been completed and an overall plan of study has been prepared and approved. The studies will be completed in 2003.

Commissioner Wilson said there is a big gap in the levee program; what will be happening between 2001 and 2007; Mr. Majors said there will be designing and building of approximately 200 miles of upgraded levees in that period.

Commissioner Curry said recreation was not addressed in the ROD and asked Mr. Majors to speak to recreation issues within the CALFED program; Mr. Majors said the recreation program needs to be described in a master plan which then gives CALFED a laundry list of the types of projects needed in the Delta. He said the needed improvements could be funded through a variety of sources and implemented at the same time as the CALFED improvements. He said the first step is prepare a recreation master plan. Commissioner Curry also mentioned

his dream to have a boating instruction and safety center in the Delta, possibly in partnership with a science center; Mr. Majors said it would be appropriate to put forward this idea for early consideration. He agreed it is a great idea.

Commissioner Shaffer asked for status of the "single restoration blueprint and implementation plan"; Mr. Majors said the plan is to be completed at the end of 2001 because the ecosystem restoration program must be ready to go as the projects start to be constructed.

Commissioner Ferguson asked if CALFED has earmarked prime ag land for restoration beyond the 100,000 acres in the earlier plans; Mr. Majors said not to his knowledge. Commissioner Ferguson asked if there had been analysis of economic impacts; Mr. Majors said those issues will be reviewed in more depth. He said coordination should take place early on in the implementation process.

Commissioner Broddrick said he liked the businesslike, project manager approach of Mr. Majors, and appreciates the one page summary.

Chairman McCarty agreed, but reminded the Commissioners that each action item is enormous and each could have significant harm or significant benefit and will result in great changes in the Delta in a short period of time. He urged Mr. Majors to engage/seek assistance from the Commission and its staff at any time. He asked that the Commission be engage, and committed that the Commission will work with him and CALFED.

9. Consideration and Possible Agreement to Sign the CALFED Permit Clearinghouse Memorandum of Understanding.

Chairman McCarty said the Commission will consider, and possibly agree to become a signatory to the MOU. Preparation of the MOU is an action required in the CALFED Record of Decision. The Commission has been invited to become a signatory. No other actions are required of the Commission or the staff.

Ms Aramburu said in the past, the Commission has expressed its concern with the difficulties of obtaining permits to perform work in the Delta. She said the proposed Clearinghouse will not solve all the identified problems, but would take steps toward addressing the problems through enhanced communication, better information between agencies and between agencies and applicants. She said the Dredge reuse project will result in two regional permits for dredging which will be reviewed under CALFED's programmatic environmental document and through the CALFED clearinghouse. She said staff recommends the Commission approve signing the MOU and designate the Chairman to sign.

Commissioner Van Loben Sels asked why three agencies will not be signatories: Department of Food and Ag, Department of Boating and Waterways and Department of Parks and Recreation; Ms Aramburu said the signatories on the MOU are the CALFED signatories, and DFA, DBW and DPR do not have

regulatory authority. The signatories have the ability to help address regulatory issues. Mr. Shaffer said DFA might become a signatory to help address mitigation issues, rather than a regulatory role. Ms Aramburu added that State Lands Commission does have a regulatory role, however, they are not a CALFED signatory. Commissioner Van Loben Sels said there will be an advantage to projects being processed under the MOU, and if an outside party brings an issue to the table it may be more difficult to get it addressed. The benefit of having a dialog regarding mitigation needs to include comments from all affected and interested parties, not just the signatories to the MOU.

Ms Aramburu noted that the Commission has signed other CALFED documents and has submitted accompanying comments that outline the unique situation in the Delta; a cover letter could outline those issues.

Commissioners Curry and Brean noted their agencies do not have regulatory authority and suggested the Commission is the appropriate place to try to balance land uses.

There was no public comment.

On a motion by Commissioner Calone and a second by Commissioner Curry the Commission voted unanimously to sign the MOU and to send an accompanying cover letter outlining the concerns of the Commission.

10. Briefing on San Joaquin County Agriculture

Ben Hulse, Planning Director, briefed the Commission on actions taken by the Board of Supervisors to protect the integrity of agriculture in San Joaquin County (using overheads). Actions are being taken as part of the General Plan implementation process. He said the 1992 General Plan anticipated substantial growth in the County, while protecting agriculture and open space. The General Plan is to be reviewed every 5 to 10 years. A review has recently been completed and a number of recommendations have been made to the Board; six recommendations speak to protection of agricultural land. Agricultural land in the County ranges from prime to grazing land. He noted that the Central Valley is one of the most fertile areas in the world and produces about 8% of agricultural sales in the United States on less than 1/2 of 1% of farmed land. San Joaquin County has 630,000 acres of important farmland (defined by the State of California). The County anticipates a loss of 250,000 acres by the year 2080 to new development, and additional lands lost to CALFED for water storage and habitat restoration. He said the Staten Island project would protect 9,000 acres for wildlife habitat and agriculture and as a floodway. Preservation of ag land depends upon cities and their future development areas. He said the County is trying to save agricultural lands through Williamson Act contracts (currently 500,000 acres) and new Super Williamson Act contracts (currently 50,000 acres). He said the County needs to acknowledge those who are working to protect agricultural lands. He showed a map that identifies land capability for

agriculture and desirability index; the map will be tested in San Joaquin where a specific plan is being prepared for Tracy and where to have a "separator" between Tracy and Mountain House. A separator is also proposed between Lodi and Stockton, and one between Lathrop and Manteca, and between Lathrop and Tracy. Mr. Hulse said 40% of land within City limits is vacant or in ag; in the spheres of influence of cities, about 60% of land is vacant or in ag. He said with the existing vacant land in cities were developed in historic patterns, cities could more than double the existing population, or more if new "smart growth" techniques are used. He emphasized the fact that more efficient land development ratios would protect agricultural land and allow projects growth to take place. San Joaquin County staff made thirteen recommendations to the Board of Supervisors. The Board asked staff to protect ag land and resources, accommodate growth within the existing cities and along transportation corridors, develop an economic strategy, and develop and implement urban limit lines. He said the County is developing an exclusive agricultural zone to be applied to land under Williamson Act contract and to lands in the Delta; developing a farmland conversion ordinance which would collect mitigation fees when ag land is converted to urban use with the funds to be spent to protect ag land; developing a vernal pool mitigation bank for ag. He said to protect agriculture, the County needs land, farmers, and farmworkers and housing for them. The County Board of Supervisors has funded these actions to protect agriculture and has funded a matching fund for new grants.

Ms Aramburu said the staff report includes the full 13 recommendations and she had several copies of the County staff report with all the maps.

Commissioner Van Loben Sels commented that CALFED may not retire a full 160,000 acres of ag land, and not all of that acreage would be in San Joaquin County; Mr. Hulse said there would still be a dramatic impact and said the acreage figure was estimated by the farm advisor last year. Commissioner Van Loben Sels asked what percentage of lands is in the 100-year flood plain; Mr. Hulse said the majority of ag lands are in the flood plain.

Commissioner Sanders asked if the General Plan would limit urban development to balance loss of ag land to urban development and to habitat restoration; Mr. Hulse said County staff would work with the cities and LAFCO to develop Urban Limit Lines and to develop a compact growth program to manage urban growth.

Commissioner Coglianese asked about the economic development program and how that would be incorporated into the program to protect ag land; Mr. Hulse said that is further in the future for San Joaquin County. The program to accommodate growth includes growth for business and commercial growth, as well as residential growth.

Commissioner Broddrick asked is the Habitat Conservation Plan (HCP) would be complementary to the growth program; Mr. Hulse said the HCP is unique in that it

is countywide but the location of the mitigation lands have not yet been identified. He said agriculture and mitigation lands can co-exist.

Commissioner Brean asked if the source of the population growth numbers; Mr. Hulse said the figures came from The Great Valley Center. Commissioner Brean asked what is a "community separator"; Mr. Hulse said its an area that separates urban areas and may include ag, natural resource lands, resource utilization lands such as quarries, floodplains, and parks and recreation areas.

Commissioner Curry asked the status of the Califia project; Mr. Hulse said its on Stewart Tract southwest of the City of Lathrop and the project is currently in court.

There were no public comments.

Ms Aramburu thanked Mr. Hulse and said staff will be bringing a Deltawide report on local government actions re: agricultural issues.

11. Update on Land and Easement Acquisitions in the Primary Zone in 2000

Ms Aramburu reviewed the staff report on acquisitions of public and non-profit agencies of fee titles and easements in the Delta Primary Zone. She said the numbers have been corrected from the first draft of the staff report. She said very little land was acquired in 2000.

Commissioner Van Loben Sels said there is property adjacent to Skyraker Duck Club which may be under easement, more than shown in the staff report and Glide Ranch sold an easement to Fish and Wildlife Service on 880 acres in approximately 1995; Ms Aramburu said she would obtain information on those parcels.

Commissioner Shaffer asked if the listed properties mean the acquisition is complete; Ms Aramburu said yes, for example she omitted Staten Island even though the funds have been approved. She said that on most of these lands there has not been a change of use.

Commissioner Van Loben Sels asked about the chart discussed at the December meeting which should conversion of agricultural lands, County by County, and suggested that the changes in the staff report be added to that chart; Ms Aramburu said the chart discussed in December is a chart prepared by the Department of Conservation to show changes in the Williamson Act program. She said Delta Protection Commission staff would be working with Department of Conservation staff to see if the information can be better shared and illustrated.

Commissioner Shaffer said CALFED is preparing a status and trends report on land use. He suggested checking on the status of that project.

Chairman McCarty said it has been difficult to obtain this information but emphasized the importance of obtaining it and suggested there may be a way to have the recorders forward such information to the Commission. He noted the recent story on this matter in the Stockton Record.

There were no public comments or questions.

12. Adoption of Annual Report for 2000

Ms Aramburu noted key changes in 2000 include the Commission was made permanent and there were no appeals.

Commissioner Coglianese identified a typo and was impressed with what the Commission did in the last year, particularly in regard to CALFED.

Commissioner Sanders asked if extra time was needed for additional changes; Ms Aramburu said there was not necessary. He suggested holding the draft till Monday for other corrections

There were no public comments.

On a motion by Commissioner Brean and a second by Commissioner Sanders, the annual report was approved by voice vote.

13. Adjourn. Commissioner Brodrick introduced Dennis Dianda, of the Department of Fish and Game. The meeting was adjourned at 8:25 p.m.