

**REPORT TO THE GOVERNOR AND THE LEGISLATURE  
ON ACTIVITIES OF THE DELTA PROTECTION COMMISSION IN 2001**

**EXECUTIVE SUMMARY: The State of the Delta Primary Zone**

**Status of the Delta Protection Commission:**

The Commission has completed its ninth year and its first year as a permanent agency. The Commission's land use planning area covers approximately 490,000 acres in the Primary Zone of the Delta, including 50,000 acres of water-covered area, and portions of five counties. The 19-member Commission met seven times in 2001, is served by a staff of three, and operates on a budget of about \$300,000 per year. All Commission and Committee meetings are fully noticed and open to the public. The Commission maintains a website where staff reports and other materials are posted ([www.delta.ca.gov](http://www.delta.ca.gov)). There were no appeals of local government actions to the Commission during 2001.

**Agriculture:**

California agriculture in general is in a period of duress. In the Delta, effects of Tri Valley Growers' bankruptcy, closure of processing plants, and low commodity prices are impacting individual landowners' balance books. The Counties are trying very hard to protect and promote agriculture in their communities by adding protections to keep land in agriculture and by adding flexibility to allow for additional revenue generation in the agriculture zones. Two significant acquisitions in the Primary Zone were funded with public funds. The Nature Conservancy has acquired 9,200 acre Staten Island to permanently protect wildlife-friendly agriculture (Proposition 12 and 13 funds). Wildlife Conservation Board/Department of Fish and Game added almost 13,000 acres to the 3,500 acre Yolo Bypass Wildlife Area (Proposition 12 funds). A management plan will be developed for the Bypass lands; much of the site is currently farmed or grazed and may remain in agricultural uses. In-Delta water storage projects are being studied by Department of Water Resources as part of the CALFED program (10,000 acres of reservoir and 10,000 of agriculture and permanent habitat mosaic); this project would result in the retirement of approximately 15,000 acres of agricultural land in Contra Costa and San Joaquin Counties. Prospect Island (1,300 acres) will be restored to tidal action; agricultural use of the site ceased after the site was acquired by the Bureau of Reclamation. Farmers continue to be concerned with possible impacts to adjacent agricultural lands from the proposed conversion projects.

**Wildlife Habitat:**

Wildlife habitat in the Delta is being increased through restoration projects. One phase of an 800-acre restoration project on Tyler Island was completed. The Prospect Island project will restore 1,200 acres to tidal action. Over 4,000 acres on Liberty Island have reverted to aquatic habitat. A 15-acre area on the north end of Decker Island has been restored to tidal action as part of the Levee Subvention Program's "net habitat improvement" requirement. CALFED-funded waterside habitat improvements continue along Georgiana Slough as natural materials are placed to slow erosion and promote deposition of sediment. A CALFED-funded pilot project to protect habitat on in-channel islands was completed on Little Tinsley Island near Venice Island.

### **Recreation:**

A new park has been designed by East Bay Regional Park District for development near the new City of Oakley, Contra Costa County. The 1,500 acre site is largely water-covered (Big Break) and will include a regional scientific research and education facility (Delta Science Center) as well as traditional picnic, trails, boat launch, fishing, and wildlife observation improvements. Department of Parks and Recreation has started studying its new property east of Locke, Sacramento County, a water-covered area known as Delta Meadows. Extensive renovations have been completed at the Brannan Island State Recreation Area launch ramp. Extensive renovations have also been completed at Sacramento County's Sherman Island launch ramp. Two park-type projects are being proposed by non-profits. Old River, San Joaquin County, would be the site of a river corridor park under plans proposed by Old River Parkway Committee. Education, habitat restoration, and recreation would be served by a facility being proposed on Hog Island, San Joaquin County. Stone Lakes National Wildlife Refuge has started a management planning process that will include public participation. The Refuge has continued to develop public facilities that are available on specified dates. Yolo Bypass Wildlife Area (Department of Fish and Game) has enhanced its public facilities and is open year-round, unless the Bypass is flooded. The Wildlife Area provides an education program, wildlife observation, and seasonal hunting.

### **Levees:**

The Delta levees are maintained by the Delta Reclamation Districts, with financial assistance provided by the State's Levee Subventions Program. The Levee Subvention Program has been declared part of the CALFED Levee Program. Unfortunately, substantial funds for the levee program were cut from the current General Fund Budget as the State realized its significant funding shortfalls this fiscal year. A much larger share of the cost of levee maintenance will fall on the Reclamation Districts this year, and some levee maintenance projects will be postponed. The Commission continues to assist in programs to speed up the very long and costly regulatory process associated with levee maintenance. The Commission is part of a CALFED-funded project with a goal of issuing new general orders for dredging by the Central Valley Regional Water Quality Control Board.

### **CALFED:**

The Delta Protection Commission is a signatory of the Interim Governance Memorandum of Understanding, sits on the CALFED Policy Group, and participates on a number of technical work groups and other meetings regarding the CALFED program and CALFED projects. The Commission has created a CALFED Committee to stay abreast of CALFED activities and make recommendations to the full Commission. The Commission receives regular updates on CALFED activities at its public meetings.

## **ANNUAL REPORT**

Section 29780 of the Delta Protection Act of 1992 (Act) requires the Delta Protection Commission (Commission) to submit an annual report to the Governor and the Legislature describing the progress in achieving the objectives of the Act. The annual report is to include: an evaluation of the effectiveness of the regional plan in preserving agricultural lands, restoring Delta habitat, improving levee protection and water quality, providing increased public access and recreational opportunities, and undertaking other functions prescribed in the Act; an update of the regional plan using baseline conditions set forth in the regional plan; and the status of the environmental thresholds established by the Commission in the original regional plan.

### **Status of the Delta Protection Commission:**

The Commission was created by the State Legislature in 1992 with the goal of developing regional policies for the Delta to protect and enhance the existing land uses in the Primary Zone: agriculture, wildlife habitat, and recreation. Working closely with local communities and local governments, the Commission adopted its regional plan in 1995. Local government incorporation of the policies and one regulation in the Plan was completed in 1998.

In 2000, the Delta Protection Act was amended to delete the sunset date, thus making the Delta Protection Commission a permanent State agency.

The Commission met seven times in 2001: January, March, May, July, August, September, and November.

The Commission was active in an advisory capacity monitoring the State/federal CALFED process, and the proposed impact to land uses in the Delta Primary Zone. The Commission continued to participate on the CALFED Policy Group and the CALFED Management Group.

### **Status of the Land Use and Resource Management Plan:**

The Plan is available in hard copy and on the Commission's web site ([www.delta.ca.gov](http://www.delta.ca.gov)).

The Commission completed the process of adopting the Plan policies as regulations. The Commission held public hearings and adopted the regulations in 2000. The file was submitted to the Office of Administrative Law (OAL) on March 27, 2001 for final review, and the regulations were approved by OAL on May 8, 2001.

## **Effectiveness of the Plan:**

### **1. Preserving Agricultural Land in the Primary Zone**

Actions to preserve agricultural land continue to involve three major interests: non-profit groups, local governments, and the State. Non-profit groups exist in all five Delta Counties--Contra Costa, Sacramento, San Joaquin, Solano, and Yolo--with the goal of protecting agricultural lands through acquisition of agricultural easements. No agricultural easements were purchased in the Legal Delta in 2001.

The State of California continues its Agricultural Land Stewardship Grant program (now called the California Farmland Conservancy Program) for local governments and non-profits for acquisition of agricultural conservation easements. In FY 01-02, \$ 6.5 million are available for acquisition of easements and for planning grants; Proposition 12 funds \$5 million, and \$1.5 million is allocated from the General Fund. In 2001, funds for three easements covering several hundred acres and totaling approximately \$1.7 million were granted; no easements were funded in the Legal Delta in 2001.

Local governments continue to protect agricultural land through their General Plans and zoning ordinances.

Ben Hulse, Planning Director, San Joaquin County made a presentation in January outlining six steps the Board of Supervisors is considering to protect agricultural land in San Joaquin County including: pursuing Williamson Act and Super Williamson Act contracts; developing a plan to separate the Cities of Tracy and Mountain House with protected agricultural land, and to develop additional agricultural land separators between Lodi and Stockton, between Lathrop and Manteca, and between Lathrop and Tracy; using "smart growth" in the Cities to prevent sprawl onto agricultural lands; protection of agricultural land and resources; development of an economic strategy; and development and implementation of urban limit lines. The County is developing an exclusive agricultural zone, developing a farmland conversion ordinance, and developing a vernal pool mitigation bank for agriculture.

In May, staff presented a report summarizing land use and agricultural changes in the Delta counties since the original Agriculture background report was prepared. Staff suggested the Commission revisit issues of "good neighbor" land management practices between wildlife restoration projects and agriculture, and identification and protection of key agricultural lands. Staff reviewed the federal Resource Conservation and Development Program and how that program could provide resources to support regional economic programs in the Delta area.

In July, the Commission appointed an Agriculture Committee to review staff reports and various

proposals and make recommendations to the full Commission. The Agriculture Committee met in August and October to discuss the federal Resource Conservation and Development Program and its possible role in the Delta, and various agricultural issues. Vice Chair Ferguson is the Chair of the Agriculture Committee; members include Commissioners Curtis, Nottoli, van Loben Sels, Shaffer, and Wilson.

In September, the Commission was briefed by John McCaull, American Farmland Trust (AFT), on AFT's grant application to Department of Conservation to carry out a planning process to define critical agricultural lands in the Delta and to develop methods to protect that land. The Commission expressed its interest in working with AFT on this project, and agreed to provide a public forum for discussion of any findings and recommendations resulting from the study. The Commission adopted a position of support for the project at its November meeting.

AFT also briefed the Commission on its project to develop wildlife-friendly agriculture programs and tools to provide landowners assurances when habitat restoration projects are located adjacent to private agricultural lands. Again the Commission expressed its interest in working with AFT on this project, and agreed to provide a public forum for discussion of any findings and recommendations resulting from the study.

In November, the Commission considered the conditions and tasks required as part of the contracts to fund acquisition of Staten Island. The goal of the acquisition is to ensure continuation of wildlife-friendly agriculture on the Island and to study the viability of occasionally storing peak flood flows on the Island. The Commission previously submitted comments on the acquisition and requested that certain conditions be attached to the grant of funds by CALFED. CALFED asked the Commission to review the contract conditions and determine if the contracts met the concerns identified by the Commission. The Commission directed staff and counsel to work with CALFED and the agencies that signed the contracts to transfer additional responsibility to the Commission for overseeing implementation of the wildlife-friendly agriculture program and possible co-use of the Island for occasional flood control. The Commission suggested the Commission become a signatory to the contracts to ensure that the issues raised in the grant review process in 1999 would be fully addressed.

## **2. Conversion of Agricultural Land in the Primary Zone to Habitat**

In 2001, the largest potential impact to agricultural lands in the Primary Zone continued to be restoration/recreation of habitat on agricultural lands.

Large habitat enhancement projects throughout the Delta are still pending including proposals by Department of Water Resources to convert much of Sherman and Twitchell Islands to managed wetlands, and the Delta Wetlands water storage project which would convert much of Bouldin and Holland Islands to managed wetland habitat/agriculture mosaic and convert Webb and Bacon Islands to reservoirs. The U.S. Fish and Wildlife Service's Stone Lakes National Wildlife Refuge proposes to

ultimately have 9,000 acres of land to the north of Lambert Road in public ownership and 9,000 acres south of Lambert Road in private ownership managed under agreements with the Service. In the north, approximately 6,000 acres are in public ownership by State and local governments, and the Service owns approximately 1,000 acres. There was no action on the proposed North Delta National Wildlife Refuge. This proposal would create a new refuge in the Yolo Bypass; the study area covered several thousand acres south of the Yolo Bypass Wildlife Area, stretching south to the tip of Liberty Island.

In August, the Commission considered and adopted comments on the proposed acquisition of approximately 12,808 acres of agricultural land in the Yolo Bypass in the Primary Zone. The land will become part of the Yolo Bypass Wildlife Area managed by the Department of Fish and Game. Funds for acquisition are from Proposition 12. The Commission supported the acquisition, but asked that the following conditions be attached to management of the land:

- Ensure that environmental review associated with adoption of a management plan addresses any loss of agricultural land as described in the CALFED programmatic environmental document. Environmental review of the management plan could be tiered from the CALFED programmatic environmental document.
- Ensure that preparation of the management plan be an open, public process, and that upon completion the management plan be presented for public review and comment at a Delta Protection Commission meeting.
- Develop a process to present conceptual acquisition plans regarding lands in the Primary Zone of the Delta to the Delta Protection Commission.
- Pay in-lieu fees to the fullest extent possible, and if fees are not appropriated by the Legislature, those fees should accumulate and be paid when funds are available. DFG should pay fees billed by the North Delta Water Agency and other special districts.
- If DFG determines surplus land will be sold in the future, those lands should be sold subject to easements that allow agriculture compatible with the Wildlife Area and its program.
- Incorporate all the commitments regarding flood capacity of the Yolo Bypass into the management of the lands proposed for acquisition.
- Ensure that the expanded wildlife area be developed and managed in partnership with the Yolo County Habitat Conservation Plan, to the maximum extent feasible.
- Ensure that the proposed management plan be reviewed through the CALFED review process to ensure consistency of this project with the overall CALFED ecosystem restoration vision and plan.
- Ensure that all lands currently in agriculture be maintained in agriculture until the management plan is completed, fully reviewed by the public, and subject to appropriate environmental review including analysis of the cumulative impacts associated with any loss of agricultural land.
- Ensure that management of the expanded wildlife area will not adversely impact on-going land management practices on adjacent agricultural lands or duck clubs.
- Work with other agencies and entities and the public to develop a regional vision of management of the Yolo Bypass.
- Delineate water needs for the expanded wildlife area with the understanding that water needs for permanent wetlands may substantially exceed the water needed for agricultural crops.

Department of Fish and Game graciously agreed to conform to the comments presented by the Commission.

### **3. Conversion of Agricultural Lands in the Primary Zone to Other Uses**

The five Delta counties approved no projects to convert agricultural lands in the Primary Zone to other uses. Local governments approved gas extraction projects, marina expansion projects, park expansion projects, and some subdivision of land in the Primary Zone, all consistent with existing zoning (see attachment for list of projects approved in the Primary Zone).

### **4. Restoring Delta Habitat**

The Commission staff continued to actively participate in the San Francisco Estuary Project's Delta Work Group's development of a pilot project for protecting and enhancing Delta in-channel islands. The group received a Category III grant from the CALFED project in 1997. In 1998, the group signed the contract for the funds, retained a staff person from Department of Water Resources to serve as project manager, released a Request for Qualifications, and selected a team to carry out Phase I of the project (design and permitting), and applied for funding for Phase II (construction and monitoring). A CALFED ecosystem restoration grant to fund the construction of most of the pilot project was approved in December 2000 by the Policy Group. Construction of the pilot project on one in-channel island (Webb III) was funded by the mitigation and enhancement component of the State's levee maintenance program (AB 360 program) administered by Department of Water Resources and Department of Fish and Game. Installation of "soft" erosion control techniques was completed on Little Tinsley Island, San Joaquin County, in November. Work on the last (third) island near Webb Tract, Contra Costa County, will be completed in the 2002 in-water construction period.

The mitigation and enhancement component of the Levee Subvention Program funded restoration of tidal habitat on 15 acres of Department of Fish and Game-owned land at the north tip of Decker Island. Sandy dredged materials were excavated, graded, and planted to create tidal wetland areas. The excavated sand was used to strengthen levees on Sherman Island.

Over the last several years, the CALFED program funded several habitat enhancement projects in the Primary Zone, which are at various stages. Work along Georgiana Slough in Sacramento County to use "soft" materials to protect levees from erosion and to promote accretion and regrowth of riparian habitat is continuing and has been deemed successful. Restoration plans for McCormack-Williamson Tract (1,500 acres) in Sacramento County and for recently acquired Staten Island (9,200 acres) in San Joaquin County will be part of CALFED's North Delta Improvements Project. Liberty Island (4,750 acres) in Solano and Yolo Counties has been flooded for several years and is part of the area being studied for inclusion in the proposed North Delta National Wildlife Refuge. Some CALFED funds are being used to restore intertidal habitat on Prospect Island (1,300 acres) in Solano County; that project has been approved and construction is slated for Spring 2002. More information about ecosystem

restoration projects and studies funded by CALFED are available from the Commission office.

In July, the Commission was briefed on a project in the Suisun Marsh and the very western Delta (Secondary Zone) which will use 17 to 20 million cubic yards of material dredged from San Francisco Bay to recreate tidal wetlands. This project, conceived by Levine-Fricke of Emeryville, will result in the creation of about 1,200 acres of new tidal marsh in the Suisun Marsh on a site currently used for grazing. In the future, the project proponents hope to be able to offer dredged materials for use for Delta levee maintenance.

Staff participated on the Delta geographic review panel, reviewing proposal submitted to CALFED's ecosystem restoration program for funding.

## **5. Protecting Recreational Opportunities**

Staff of the Delta Protection Commission continued to work with the staffs of CALFED, Department of Boating and Waterways, Department of Parks and Recreation, Department of Water Resources, and several boating and fishing groups on the development of general and specific recreation opportunities for incorporation into the CALFED program.

In March, the Commission agreed to fund preparation of a scoping document to be used for preparation of a Delta Recreation Master Plan. The Commission directed staff to seek nominations for a new Recreation Citizens Advisory Committee (CAC); that new CAC was approved and appointed by the Commission in May to provide assistance in preparation of the Scoping Document and eventually the Delta Recreation Master Plan. The Recreation CAC was appointed at the May meeting. In September the Commission received and accepted the product of the consultants. However, no State funding is available for preparation of the Plan, so Commission staff is evaluating means of carrying out the planning process.

In March, the Commission considered the invitation of a nonprofit group, Delta Habitat and Education Foundation, to become co-sponsor of a recreation, habitat restoration, and education project on a channel island in San Joaquin County. The site is partly owned by Port of Stockton, partly owned by State Lands Commission, and partly owned by the non-profit group. The Commission did not commit to fund the project and did not agree to become a co-sponsor of the project, but directed staff to prepare a letter of support for the project concept and directed staff to work on the project if the project would support the Commission's mission as outlined in the Act and Plan.

In May, the Commission was briefed by Mary Walker of the Old River Parkway Committee about a proposal to develop a linear park along the Old River in San Joaquin County. The parkway would be in the Primary and Secondary Zones and would include waterways and some land areas. More information is available at the group's web site: [www.olderiverpark.org](http://www.olderiverpark.org).

In November, Tom Mikkelsen of East Bay Regional Park District briefed the Commission on the approved plans to create a new regional park and education center at Big Break in Oakley, Contra Costa County. The largely water-covered site will be maintained and enhanced as a preserve and natural area. The 40-acre upland area will be developed with the Delta Science Center, parking, trails, picnic areas, and other recreational facilities. The park will be the first new park constructed in the Delta Primary Zone since the Commission was created in 1993.

## **6. Improving Levee Protection**

The Commission staff has continued to participate in and provide support for the Secretary for Resources' Delta Levees and Habitat Advisory Committee's meetings. The purpose of the Committee is to coordinate and streamline permitting associated with Delta levee maintenance. The Committee helps provide oversight to the levee subventions program (previously SB 34 and SB 1065, and currently AB 360). In addition to attending the meetings, Delta Protection Commission staff prepares meeting agendas and minutes, and maintains the mailing list.

The Delta Protection Commission is one of three State agencies (Department of Fish and Game and Central Valley Regional Water Quality Control Board) contracted to carry out a CALFED-funded study to develop a Delta Dredging and Reuse Strategy. The project will be studying reuse of Delta dredged material for levee maintenance and habitat projects. The Commission staff performs support and coordination tasks for the study. The Technical Advisory Panel overseeing the study includes a representative of the Commission. The project was started in November of 1999; meetings were held through 2000, and the project will be completed By June 30, 2002.

In July, staff briefed the Commission on the status of levees and the levee maintenance programs in the Delta. The existing levee maintenance program has been moved into the CALFED program, although the Levee Subventions Program will continue to be administered by Department of Water Resources and the Department of Fish and Game. The Commission was briefed by Richard Marshall, DWR Delta Levee Inspection Program Manager; Dave Mraz, DWR Levee Subvention Program Manager; and Rob Cooke, CALFED Levee Program Manager.

## **7. Improving Water Quality**

Staff continued to monitor the Grasslands Bypass Project, which redirects drain waters containing selenium, boron, and other salts into the San Luis Drain, and eventually into the San Luis Drain, and eventually into the San Joaquin River, upstream of the Delta. Staff prepared written updates and presented them to the Commission in January and July 2001.

Staff continued to participate in quarterly meetings of the Veale/Byron Tract Work Group, funded under a previous CALFED grant, which is investigating various projects and actions to improve the quality of

water entering Contra Costa Water District's intakes.

Staff also participated on the selection panel that reviewed and made funding recommendations on drinking water quality improvement proposals submitted to CALFED's Drinking Water Quality grant program in later 2001.

### **Legal Issues:**

During September 2000, three lawsuits were filed challenging CALFED's final environmental document. One of those lawsuits, instituted by the Municipal Water District of Orange County (MWDOC), included the Delta Protection Commission as a named defendant. On November 13, 2001, the MWDOC agreed to a settlement under which it dismissed that lawsuit in its entirety.

In the settlement the parties essentially acknowledged current anticipated CALFED program actions, agreed that CALFED is making substantial progress in achieving those goals, and recognized that CALFED intends to continue doing so, contingent upon funding, staff, and technical resources.

### **Legislation:**

In 2001, there were no amendments to the Delta Protection Act of 1992.

In January 2001, the Commission created a Legislation Committee to monitor pending State legislation regarding matters associated with the Commission's Law and Land Use and Resource Management Plan for the Primary Zone of the Delta. The Committee's mandate was to make recommendations regarding positions on pending legislation to the Commission. At the July 26 meeting, the Commission voted to adopt positions of support on four pieces of pending legislation: AB 426, Assemblyman Cardoza, Sales and Use Taxes, Farm Equipment and Machinery; AB 801, Assemblyman Salinas, State Purchase of California Grown Farm Products; AB 1414, Assemblyman Dickerson, Public Lands, Management; and AB 1667, Assemblyman Dickerson, State Agencies' Real Property Description. Of these four pieces of legislation, one was approved and signed into law, AB 426 (Cordoza) Sales and Use Taxes.

### **Actions Supporting the Goals of the Act:**

#### **1. Delta In-Channel Islands**

The Commission continues to act as a sponsor for the San Francisco Estuary Project's regional meetings to forward the goals and programs of the Comprehensive Conservation and Management Plan for the Bay and Delta. The Delta work group has focused on protection and enhancement of Delta in-channel islands, the last remnants of historic Delta wetland habitat (see item #4, above).

## **2. Geographic Information System**

The Commission continues to maintain and add to its geographic information system to monitor activities and land use changes in the Delta with the assistance of Department of Conservation, the Commission's new contractor.

In addition, the Commission hosts a web site (<http://www.delta.ca.gov>) which makes available meeting dates, the Commission roster, annual reports, the Commission's Plan, the Delta Protection Act of 1992, other reports, and maps of the Delta. Staff reports for each Commission meeting are also available on the web site.

## **3. Monthly Pending Projects Memo**

Staff prepares a monthly memo that lists and describes proposed projects in the Delta area. Projects listed include projects in the Primary Zone and projects in the Secondary Zone and near the Delta which could impact the Delta and its land uses. The memo is distributed to local planning departments and to other interested parties, as well as the Commission. The memo is available on the website.

## **4. Monitoring Acquisition of Land by Public Agencies and Nonprofit Groups**

There were two major acquisitions of land in the Primary Zone in 2001. As of the end of 2001, the total acres owned by public agencies and nonprofits groups is 82,271 acres, about 16.9% of the Primary Zone (this does not include the beds of waterways or areas under conservation easements); the Primary Zone includes 487,725 acres of land and water-covered areas. This is an increase of almost 22,000 acres and 4.5% in 2001.

CALFED approved application from The Nature Conservancy (TNC) for \$35 million, half from Proposition 12 and half from Proposition 13, to fund acquisition and stewardship of 9,106 acre Staten Island in the eastern Delta in San Joaquin County. TNC proposes to retain the wildlife-friendly agricultural practices currently in use on the Island, and to promote long-term protection of the Island for Sandhill crane habitat.

The Wildlife Conservation Board approved acquisition of 12,808 acres in the Yolo Bypass in Solano and Yolo Counties to be managed by the Department of Fish and Game as part of the Yolo Bypass Wildlife Area. The \$16 million acquisition was funded by Proposition 12 funds.

## **5. Monitoring the San Luis Drain and the Grasslands Bypass Project**

In January and July, staff presented to the Commission written updates on the Grasslands Bypass Project that redirects drain waters containing selenium, boron, and other salts into the San Luis Drain. The updates included information from monthly reports (circulated by the U.S. Bureau of Reclamation,

San Francisco Estuary Institute, and the Central Valley Regional Water Quality Control Board), a comment letter on the draft environmental document for the project, and information from Grasslands Bypass Project Oversight Committee meetings, which staff attended.

The Grassland Bypass Project monthly reports are now available on the Internet at:

<http://www.mp.usbr.gov/mp150/grassland/HomePage/Homepage.html>

## **6. Monitoring Pending State Legislation**

Staff prepared and presented to the Commission regular updates on pending legislation that would affect the Delta, or land uses in the Delta's Primary or Secondary Zones. Legislation of particular interest included: abandoned and unseaworthy water vessels; personal watercraft bans; open space lands; endangered species; bond measures intended for California Farmland Conservation, California Resources Legacy, and Water Bonds; water hyacinth control; and the CALFED Bay-Delta Program.

## **7. Monitoring CALFED Planning Process**

The Commission staff participated in the regular meetings of the Management Group, the agency staff overseeing implementation of the Record of Decision. The Commission continued to participate on the Policy Group, the formal body overseeing the CALFED program. There were two public meetings of the Policy Group in June and December. A new Bay Delta Public Advisory Committee (BDPAC) was appointed and met in December. Two Commissioners also serve on the BDPAC: Commissioners Cabaldon and Coglianesse.

The Commission received regular updates from CALFED's Delta Coordinator, Dennis Majors, and from CALFED staff and CALFED agency staff. Mr. Majors has been coordinating development of a Delta Implementation Plan that will eventually include a Delta Ecosystem Restoration Plan.

Throughout the year, the Commission monitored the Ecosystem Restoration grant program and the status of the funded projects. Several briefing memos were presented to the Commission, and staff periodically updated the memo on the status of the restoration projects in the Delta.

In January, the Commission considered and agreed to sign the CALFED Permit Clearinghouse Memorandum of Understanding (MOU). Preparation of the MOU is an action required in the ROD. The MOU sets out steps to enhance communication between regulatory agencies, enhancing transfer of information among agencies and between agencies and applicants.

In March, Perry Hergesell, Department of Fish and Game, briefed the Commission on the CALFED Science Program's plan for construction of several facilities for scientific research, field research, and public education. Sites being considered include the Delta Science Center in Oakley for a research and public education facility and a City of Rio Vista waterfront site for a research and public education

facility.

In March, Brad Burkholder, Department of Fish and Game, briefed the Commission on a habitat restoration project being developed in partnership with the private landowners on Canal Ranch, San Joaquin County. The project would retain most of the agriculture on the Island, but convert less productive land to managed wetland habitat.

In May, Bruce Herbold, Environmental Protection Agency, briefed the Commission on the preliminary research findings of the Delta Cross Channel Research Project. The Project is studying movement of fish through Delta waterways, and the impacts of the Delta Cross Channel gates on that fish movement.

In September, Pal Sandhu, head of the overall CALFED study of surface storage, briefed the Commission on CALFED's In-Delta surface storage program. CALFED is evaluating the Delta Wetlands project, as prescribed in the Record of Decision (ROD). If the Delta Wetlands project is too expensive, or infeasible, CALFED will evaluate other storage alternatives. The goal of the ROD is to provide 25,000 acre feet of storage in the Delta.

In September, the Commission reviewed and commented on CALFED's Draft Sacramento-San Joaquin River Delta Implementation Plan. The Plan is intended to serve as a regional guide to implementation of the statewide program. The draft plan was reviewed first by the CALFED Committee and comments incorporated into the draft reviewed by the Commission. The Commission asked that additional changes be made to address the Commission's role in CALFED implementation, acquisition issues, the need for an ecosystem restoration plan as part of the implementation plan, and to include discussion of the research facilities proposed in the Delta, including one proposed for Rio Vista. Written comments have been forwarded to CALFED staff. Additional information about the Delta Wetlands project was presented to the Commission at the November meeting.

## **8. Conservation Easements to Protect Habitat**

The Commission holds one conservation easement for habitat berms adjacent to Staten Island in San Joaquin County. The Commission monitors acquisition of easements by other agencies; no easements were acquired in 2001.

### **Enhanced Flood Protection:**

In 2001, the Commission continued to monitor the Corps and Department of Water Resources' ongoing Comprehensive Study of Flooding in the Sacramento and San Joaquin Valleys. The study addresses portions of the Delta (Sacramento River, Yolo Bypass and portions of the San Joaquin River). The CALFED North Delta Improvements Project will incorporate Corps and DWR data, and develop new modeling data, to address localized flooding problems in the East Delta associated with the inflows of the Cosumnes and Mokelumne Rivers and other eastside tributaries.

## **Appeal of Local Government Decisions:**

No local government actions were appealed to the Commission in 2001.

## **Commission Members:**

Three reclamation district representatives stepped down, and three new Commissioners were elected: Commissioners van Loben Sels and Wilson from the North Delta and Commissioner Ferguson representing the South Delta. Commissioners McCarty and Calone were re-elected to represent the Central and West Delta, respectively. Commissioner Cabaldon was re-appointed by the Sacramento Area Council of Governments to represent Yolo and Sacramento County cities. Commissioner Ryan Broddrick retired from the Department of Fish and Game and was replaced by Regional Manager Banky Curtis.

Patrick N. McCarty and Robert K. Ferguson were elected in March to two-year terms as Chair and Vice Chair, respectively.

The Commissioners receive no compensation for their work on the Commission.

**Committees:** Subcommittee meetings are fully noticed and are open to all Commissioners and members of the public. Subcommittees meet as needed.

- **Budget, Finance and Administration Committee:** Chairman McCarty, Commissioners Calone, Shaffer, Sanders and Ferguson.
- **CALFED Committee:** Commissioners Wilson, van Loben Sels, Curtis, Coglianese, Shaffer, Nottoli, and Curry.
- **Legislation Committee:** Commissioners Coglianese and Gleason
- **Recreation Committee:** Commissioners Nottoli and Curry
- **GIS Oversight:** Commissioner Sanders
- **Agriculture Committee:** Vice Chair Ferguson and Commissioners Nottoli, Shaffer, Wilson, Curtis and van Loben Sels.

## **Administration:**

The Commission office is located in Walnut Grove, in Sacramento County. Margit Aramburu is Executive Director, Lori Clamurro is Environmental Scientist, and Karen Morais is Staff Services Analyst. Kara Brandenburger provided interim support services until Ms Morais was hired.

Dan Siegel, Deputy Attorney General, with assistance from Carla Caruso, Christine Sproul, and Paul Navarro, provided legal support for the Commission.

Administrative, budget, and personnel services of the Commission are provided by State Lands Commission through a contractual arrangement.

The annual report covers portions of FY 00-01 and FY 01-02. In each year, the Commission received funds from the Environmental License Plate Fund and from the Harbors and Watercraft Revolving Fund. The total funds for FY 00-01 were \$339,000 and for FY 01-02 are \$309,212. The Commission's expenses were approximately \$23,000 per month for staff and office expenses.

### **2001 COMMISSION ROSTER**

**Contra Costa County Board of Supervisors:** *Supervisor Federal Glover*

**Sacramento County Board of Supervisors :** *Supervisor Don Nottoli*

**San Joaquin County Board of Supervisors:** *Supervisor Lynn Bedford*

**Solano County Board of Supervisors:** *Supervisor Skip Thomson*

**Yolo County Board of Supervisors:** *Supervisor Mike McGowan*

**Sacramento and Yolo County Cities:** *Councilmember Christopher Cabaldon,*  
*City of West Sacramento*

**San Joaquin County Cities:** *Vice Mayor Bob Gleason,* City of Lathrop

**Contra Costa and Solano County Cities:** *Mayor Marci Coglianese,* City of Rio Vista

**North Delta Reclamation Districts (two seats):** *Daniel Wilson*  
*Karel van Loben Sels*

**West Delta Reclamation Districts:** *Robert Calone*

**Central Delta Reclamation Districts:** *Patrick N. McCarty,* Chair

**South Delta Reclamation Districts:** *Robert K. Ferguson,* Vice Chair

**Department of Parks and Recreation:** *Ron Brean,* Chief, Northern Division

**Department of Fish and Game:** *Ryan Brodrick,* Chief Deputy Director  
*Banky Curtis,* Regional Manager

**Department of Food and Agriculture:**

*Steve Shaffer*, Director,  
Agricultural and Environmental Policy

**State Lands Commission:**

*Dwight Sanders*, Chief, Division of  
Environmental Planning and Management

**Department of Boating and Waterways:**

*Bill Curry*, Senior Civil Engineer,  
Boating Facilities Division

**Department of Water Resources:**

*Steve Macaulay*, Chief Deputy Director

**Projects Approved in Delta Primary Zone in 2001**

[\* Project approved by local government]

<b>Location</b>	<b>Applicant</b>	<b>Project Location</b>
<b>Multi-County</b>		
Egeria Densa Control Program <b>M-98-2</b>	Department of Boating and Waterways	Deltawide
Water Hyacinth Control Program <b>M-00-X</b>	Department of Boating and Waterways	Deltawide
Delta Wetlands Project (use Webb and Bacon (10,000 acres) as reservoirs for up to 222,000 acre feet, use Bouldin and part of Holland (10,000 acres) as mitigation (ag and habitat)) <b>M-95-X</b>	Delta Wetlands	Contra Costa and San Joaquin Counties
Sacramento River Flood Control Evaluation, Phase IV (strengthen project levee in four locations) <b>M-01-5</b>	Reclamation Board	Four locations on Sacramento River, RD 3, RD 999, RD 150 and RD 349
Maintenance Dredging of Sacramento Deepwater Ship Channel; deposit spoils on land <b>M-01-4</b>	Port of Sacramento	Yolo County Solano County Sacramento County
Maintenance Dredging of	Port of Stockton	San Joaquin County

Stockton Deepwater Ship Channel; deposit spoils on land <b>M-01-3</b>		Contra Costa County
<b>Contra Costa County</b>		
Subdivision (divide 20.38 ac into two parcels)* <b>C-00-4</b>	Wilson	Knightsen
Expand Redevelopment Area (add 700 acres)* <b>C-01-3</b>	City of Oakley	Land and water east of Antioch Bridge and near Big Break
Floating Billboard Ordinance (prohibit floating billboards)* <b>C-01-9</b>	Contra Costa County	Countywide
Big Break Regional Shoreline and Delta Science Center <b>C-01-8</b>	East Bay Regional Park District	Big Break, Oakley
<b>Sacramento County</b>		
Subdivision (divide 117 ac into 22 ac and 95 ac in Ag-80 zone to create homesite for existing house)* <b>Sac-00-X</b>	Shock	Stone Lakes area, south of Hood-Franklin Road
Subdivision (divide 97.5 ac into 1.13 ac with existing house and 96 ac ag parcel)* <b>Sac-01-6</b>	Rodriguez	Grand Island
Subdivision (divide 1,607 ac into two parcels in Ag-80 zone)* <b>Sac-00-2</b>	McCormack-Pierson	Herzog Road and Alfalfa Plant Road
Subdivision (divide 231 ac into 10 ac (town) and 221 acre ag parcel to allow creation of lots for Locke)* <b>Sac-00-10</b>	Sacramento County	Locke
Cell Tower (102' tall; set back	Nextel	Sherman Island

from Highway 160 Scenic Corridor)* <b>Sac-00-8</b>		
Cell Tower (65' tall)* <b>Sac-01-7</b>	Anchor Boat Center	Walnut Grove
Variance (allow construction of house on 4.7 ac lot in Ag-80 zone; lot created in 1950 by construction of Highway 160)* <b>Sac-00-7</b>	Uhalt	Sherman Island
Rezone (from Ag-80 to Ag-40 and subdivide to create two 40 acre parcels)* <b>Sac-00-X</b>	Miracle Land Company	North and South of Russell Road, west of Herzog Road
Dredge Spoils Disposal on Land (16,000 cubic yards in McCormack Pit for future reuse) <b>Sac-01-9</b>	RD 341	Sherman Island
Place Dredge Spoils on Land (150,000 cubic yards from Suisun Bay Channel for future reuse) <b>Sac-01-4</b>	RD 341 Department of Water Resources Corps of Engineers	Sherman Island
Rehabilitate Locke Sewage Treatment Plant (convey sewage to Walnut Grove Sewage Treatment Plant) <b>Sac-97-1</b>	Sacramento CSD #1	Locke
Highway 160 Structure Rehabilitation (update and expand control buildings on Isleton, Steamboat Slough and Paintersville Bridges) <b>Sac-00-9</b>	CalTrans	Sacramento River
<b>San Joaquin County</b>		
Winery (in existing building; grapes grown on site)*	CCRC Farms	Mandeville Island

<b>SJ-00-X</b>		
Pond and Raised Access Road (5 acre wildlife pond and road to existing house)* <b>SJ-00-X</b>	Machado	Vulcan Island
Amend Ag Zoning Code (implement Farmland Security Zone and require use permit for nature preserve in ag resource management zone)* <b>SJ-00-7</b>	San Joaquin County	Countywide
Adopt Winery Ordinance (allow wineries and off-site wine cellars in ag zone)* <b>SJ-00-6</b>	San Joaquin County	Countywide
Storm Drainage Master Plan (stormwater into Primary Zone)* <b>SJ-00-2</b>	City of Tracy	Old River
Temporary Barriers Project (2001-2007) (seasonally install three water barriers and one fish barrier) <b>SJ-00-9</b>	Department of Water Resources	Old River Middle River Grant Line Canal
<b>Solano County</b>		
Prospect Island Habitat Development (excavate, plant, and breach levee to create 1,200 acres of aquatic habitat on Bureau of Reclamation property) <b>So-01-1</b>	Corps of Engineers Bureau of Reclamation Department of Water Resources	Prospect Island
Expand Fish Farm (build 25 ac of ponds on 40 ac parcel, adjacent to 23 ac of existing ponds on adjacent 40 ac)* <b>So-01-4</b>	Shih	East of Dixon

Expand Wastewater Treatment Plant (expand capacity from 0.42 mgd dry to 0.65 mgd dry; discharge into Sacramento River/Primary Zone) <b>So-01-2</b>	City of Rio Vista	South of Rio Vista
<b>Yolo County</b>		
Mitigation Bank for Giant Garter Snake (manage site as private duck club, grazing, and mitigation bank) <b>Y-01-2</b>	Wildlands, Inc.	Yolo Bypass
Williamson Act Subdivision (divide 210 ac into 52 ac and 168 ac)* <b>Y-01-3</b>	Heringer Holland Land and Farming	Clarksburg area
Lot Line Adjustments (add narrow parcels totaling 150 acres to 11 adjacent parcels)* <b>Y-00-2</b>	Various	East of Deepwater Ship Channel
Adopt Mining Ordinance in Agriculture Zone* <b>Y-01-8</b>	Yolo County	Countywide
General Plan Update (add areas of Yolo Bypass/Primary Zone in "planning area")* <b>Y-01-4</b>	City of Davis	Yolo Bypass

\* Projects approved by Local Governments.

### Lands Acquired by Government Agencies or Nonprofits in 2001

<b>Location</b>	<b>Entity</b>	<b>Acres</b>
Staten Island, San Joaquin County	The Nature Conservancy	9,106 acres

Yolo Bypass, Yolo and Solano Counties	Wildlife Conservation Board	12,808 acres
---------------------------------------	-----------------------------	--------------

Date

Honorable Gray Davis/Members of the Legislature  
State Capitol  
Sacramento, CA 95814

Subject: 2001 Annual Report of the Delta Protection Commission

Dear Governor Davis:

The Delta Protection Commission is pleased to submit its annual report for the year 2001. The Commission, created by the Delta Protection Act of 1992, is charged with the protection and enhancement of the three critical land uses in the Primary Zone of the Legal Delta: agriculture, wildlife habitat, and recreation. The Primary Zone includes portions of five counties: Contra Costa,

Sacramento, San Joaquin, Solano, and Yolo. The Commission adopted a regional land use plan for the Primary Zone--Land Use and Resource Management Plan for the Primary Zone of the Delta--in February 1995.

In 2001, the Commission spent much of its time working with CALFED to ensure that implementation of the CALFED program would complement, and not conflict with, implementation of the Commission's Plan. Long-term implementation of the CALFED program will result in extensive land use changes in the Primary Zone, particularly the conversion of many thousands of acres of agricultural land to aquatic and terrestrial habitat. The goal of the proposed habitat restoration is the re-establishment of healthy, functioning ecosystem in the Delta that would result ultimately in de-listing of endangered fish species. Since the Commission started monitoring acquisitions, CALFED has funded acquisition of over 6,500 acres in the Primary Zone for habitat restoration (McCormack Williamson Tract and Liberty Island). An additional 25,000 acres have been restored, or are planned for restoration shortly, through other funding sources (Stone Lakes National Wildlife Refuge, Prospect Island, Tyler Island, and Yolo Bypass) --an area equal in size to approximately 6.5% of the Delta Primary Zone.

The Commission has taken the first steps toward new regional planning to protect and enhance agriculture in the Delta and to address needs and goals for recreation in the Delta. These efforts would complement the CALFED plans for ecosystem restoration in the Delta. Our focus and efforts are directed towards ensuring a viable agricultural economy, together with accessible recreational opportunities and in concert with habitat restoration work.

The Commission spent considerable time and effort working with The Nature Conservancy in its effort to acquire and permanently protect "wildlife-friendly" agriculture on 9,200 acre Staten Island in San Joaquin County. In addition, the Commission worked with the Wildlife Conservation Board and Department of Fish and Game to ensure agriculture will remain active and, our hope is, economically viable, on 12,808 acres of land acquired in the Yolo Bypass (Yolo County) until a management plan is prepared. The agencies graciously agreed to a number of requests from the Commission including a public process for preparation of the management plan.

Balancing the unique and individual needs of our three primary charges: agriculture, recreation, and habitat is a challenge we have risen to meet and will continue to address as we move forward.

This is the first year that the Commission has been a permanent State agency; the Commission continues to operate on a minimal budget from special funds and with very limited staff. The Commission looks forward to working with you, the Legislature, and other agencies to carry out the Legislature's vision for the Delta Primary Zone

Sincerely,

Patrick N. McCarty  
Chairman