

## **Draft Meeting Minutes**

### **Delta Protection Commission**

**Thursday, July 27, 2000**

1. **Call to Order.** The meeting was called to order at 6:45 p.m. by Vice Chair Steve

Mello. Commissioners present were: Brean, Cabaldon, Coglianese, Curry, Ferreira, Harris, Matthews, Sanders and Shaffer. Commissioners absent were: Chairman McCarty, Brodrick, Calone, Canciamilla, Gutierrez, McGowan, Nottoli, Salmon, and Thomson. Ms Aramburu noted that representatives of DFG and Supervisor Gutierrez were in attendance.

2. **Public Comments.** There were no public comments.

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

4. **Chairman's Report.** Vice Chair Mello reminded the Commissioners of the upcoming Pear Fair. He noted there will be a reception for Senator Johnston who will be leaving the Legislation at the end of this year. The reception will be on Thursday, October 26 at 5 p.m. and all are invited. Vice Chair Mello said the Commission's next meeting will be Thursday, September 28 at 6:30 p.m. in the Jean Harvie Community Center. Scheduled for that meeting is the last of the three hearings on the adoption of the Commission's policies as regulations.

5. **Commissioner Comments/Announcements.** Vice Chair Mello said Tyler Island

RD 563 has a second dredge project underway. He said they are awaiting a response from the Fish and Wildlife Service. The Service has not responded within the mandatory 135-day comment period. He said it is very important to proceed with the levee work during the construction window to protect public health and safety.

Vice Chair Mello also noted that the CALFED Subcommittee meeting will be postponed for one week until Wednesday, August 23, 2000.

6. **Attorney General's Report.** Christine Sproul had nothing to report.

7. **Executive Director's Report.** Ms Aramburu reviewed her written report and the reports in the mailing packet.

- Pending Projects
- Update on Pending Legislation
- Update on Category III Ecosystem Grants

Ms Aramburu had some copies of the full BREACH report (a summary was in the packet). Commissioners received copies of the Executive Summary of the CALFED FEIR, the report on Seismic Vulnerability of Delta levees, information on EPA wetland grants, and a memo regarding the Contra Costa County abandoned vessel removal program. Ms Aramburu announced that Lori

Clamurro has been hired as a permanent, full-time employee of the Commission. She introduced Ryan Kelly, a volunteer intern, who will be a senior at UC Davis next year. She said the contracts with State Lands Commission and Teale are underway. She also reported on various meetings attended on behalf of the Commission.

Vice Chair Mello clarified that the EPA grant applications are for FY 2001.

Commissioner Curry asked about Torlakson's bill, AB 2785 that applies only to Contra Costa County; what are the implications for the rest of the Delta? Ms Aramburu said she would contact Torlakson's office and would report back to the Commission.

Vice Chair Mello said SB 1355 reads that there is a two-year limit on the position of Chair and Vice Chair; Ms Aramburu said the terms are for two years.

## **8. Briefing on Sacramento San Joaquin River Basin Comprehensive Study**

Sergio Guillen, Department of Water Resources, introduced Sue Fry of the Corps of Engineers. He said the Study was started after the floods of 1997 and is approved by both the State and federal governments and will combine flood control and ecosystem restoration. The ecosystem restoration component will be carried out by CALFED. Phase I has been completed and Phase II is now underway and will result in a submittal to Congress. Some early implementation projects will be developed in Phase II. The Study has developed a large GIS database, is creating risk flood plain maps, and is working on hydraulic models. The Study is also working on policy and institutional constraints, and ecosystem alternatives. Currently under development are measures and early implementation projects (flow damage reduction and ecosystem restoration). He said there are three measures to achieve flood reduction: increased storage (build new dams and other storage and reoperate reservoirs), increased conveyance (levees and bypasses), and increased flood plain management measures (expand procedural risk insurance, early flood warning systems, flood easements). Possible early implementation projects include: removing flow constrictions at bridges, adding transitory storage in lands willing to accommodate flows, and making local levee improvements. The list of projects is being recommended by "stakeholders"; anyone with ideas should contact Mr. Guillen. Prior to submittal of a list of projects to Congress, public meetings will be held. Early implementation projects should be able to be constructed within two years.

Ms Aramburu asked for clarification of what portions of the Delta are in the study area; Mr. Guillen said the study stops at the edge of the Delta because CALFED is studying and modeling the Delta area.

Vice Chair Mello expressed concern that the Delta is not included because there are local flood issues in the Delta; Mr. Guillen said the CALFED program is conducting an intense analysis of the Delta area and inclusion of the Delta in the Comprehensive study would

be duplicative. Vice Chair Mello asked if the Comprehensive Study did any bathymetry in the Delta; Mr. Guillen said the raw data is available, but it has not been translated into contour lines.

Commissioner Coglianese asked if the Yolo Bypass is included in the study; Mr. Guillen said yes.

Commissioner Harris commented that the Delta is filling up with silt and sand and suggested that the study should evaluate benefits of dredging the Delta channels, rather than raising levees.

Commissioner Brean said both this study and CALFED are looking at reoperation of reservoirs for water supply, raising dams, etc; Mr. Guillen said the Comprehensive Study is looking at

reoperation of reservoirs to maximize storage for flood control, both can be evaluated. For example, all the modeling output will affect CALFED's modeling. He said the focus of the Comprehensive Study is short-duration, intense storms, while CALFED is looking at year-round operation and management of water and flows.

Ms Aramburu suggested perhaps CALFED should provide information about what studies and planning it is doing. Mr. Guillen said Mark Cowin is the CALFED point person for storage and conveyance.

Commissioner Coglianese said both groups should come together and explain how the planning will work together.

Commissioner Cabaldon asked the location of the boundary of the models; Mr. Guillen said the edge is where it was easy to end the model, not the boundary of the Legal Delta. Commissioner Cabaldon asked for a map of the area being modeled. He asked if the study is really looking at land issues as part of the project implementation, and if yes, where and how will the Study work with those that make land use decisions. Mr. Guillen said in four weeks, there will be a new series of local meetings scheduled to receive input.

Ms Fry said the early implementation projects will be easily implemented projects that are non-controversial. She said she will pursue this issue. Commissioner Cabaldon said if the Executive Committee is going to look at land use issues, the Committee should involve local government early in the process.

Commissioner Curry said he understood one approach is to increase emergency flood storage, as well as increased storage behind dams. He asked if there are sacrificial parcels on the Sacramento or San Joaquin Rivers that can be breached in case of floods; Mr. Guillen said there should be such sites, and that this matter will be reviewed by the Study. For example, some ecosystem restoration sites and some private lands should be available for flooding.

Steve Macauley, Chief Deputy Director, Department of Water Resources, referring to the CALFED Framework agreement (pages 18-20), noted that dredging is included as a suite of actions proposed for the Delta. Mr. Macauley said DWR will be undertaking some limited dredging in the South Bay this year, and DWR is aware of the challenges and the benefits associated with dredging in the Delta.

## **9. Public Hearing on Proposed Acquisition of Staten Island by The Nature**

### **Conservancy as Part of the Cosumnes River Preserve**

Ms Aramburu reviewed the staff report and said the Nature Conservancy has applied for Category III funding from CALFED to fund acquisition of Staten Island. She noted that the staff report has been reviewed by the Nature Conservancy and the current managers of Staten Island. She introduced Mike Eaton of the Nature Conservancy.

Mr. Eaton said the Nature Conservancy is in negotiation with the property owner and he is limited as to his comments on acquisition. He said the Conservancy is willing to work with the Delta Protection Commission and others to seek solutions to identified issues.

Mr. Eaton said the Cosumnes River Partners began to work with Staten Island on seasonal wildlife management issues, particularly the Greater and Lesser Sandhill Cranes. He said the owners have used extensive seasonal flooding which provides migratory waterfowl habitat and helps curb subsidence. He said those discussion resulted

in Staten Island signing a memorandum of understanding with the Consumes River Partners as a private landowner partner, and commits all partners to sharing information and sharing management capabilities. The Island is owned by an investment group in Washington.

About 90 to 120 days ago, the owners said they are interested in selling the property, and their first choice would be to sell to an organization like the Nature Conservancy that would continue the existing management practices that benefit waterfowl and cranes. He said a negotiation process is underway including preparation of an appraisal to determine fair market value. That would establish the upper limits of what the Nature Conservancy can pay. He estimated that it would take several months of negotiating, and if an agreement is reached, a contract would be signed and the Nature Conservancy would then seek funding for the acquisition. The Nature Conservancy is interested in buying the property because of its role in the Mokelumne River corridor for hydrologic and flooding purposes, as well as its role for habitat. He said CALFED is taking the lead in developing a solution for the flooding in the Mokelumne River corridor including a possible weir on Staten, dredging, etc. He said the project will result in local and regional flooding. He said it is critical to the long-term success of Staten Island as habitat that flooding on the island be limited and thus CALFED may look toward a "blended" approach to resolving the flooding issues.

If the Nature Conservancy buys Staten Island with public funds, they are not interested in being the long-term manager. The possibilities for long-term management include transfer to a public agency, to a new non-profit agency that could be created specifically for habitat management and agricultural lands in the North Delta, or place an easement on the property and then sell the land to a third party. On Staten, the easement would protect the habitat management practices on the island and allow for flood management. He said he had been contacted by a number of parties who are interested in the Island; he said the long-term management is an open issue. He said it is critical to have in hand the flood modeling that will be carried out as part of the CALFED project, and that information is likely a year away.

Commissioner Harris asked if the owners of Bouldin Island had been contacted; Mr. Eaton said no. Mr. Harris said this looks like part of CALFED's "chain of lakes" alternative. Ms Aramburu said Bouldin Island has been part of the North Delta flood control group.

Vice Chair Mello asked Nature Conservancy, or another nonprofit, would pay "in-lieu of" taxes to local government and other districts; Rick Cooper, Cosumnes Preserve Manager, said on Preserve properties that Nature Conservancy pays the taxes on income-generating property. When the federal government owns property, "in lieu of" payments are made. Sacramento County does not pay real estate taxes. Vice Chair Mello asked if it is the choice of the Nature Conservancy; Mr. Eaton said Nature Conservancy does pay taxes to North Delta Water Agency on McCormack Williamson Tract and if Staten Island became a non-income generating property, Nature Conservancy is not interested in becoming the owner. The value of the property to Nature Conservancy is as a farmed property.

Commissioner Shaffer asked if Nature Conservancy would consider an agricultural easement in perpetuity to assure continuation of agriculture; Mr. Eaton said that would be in line with sale to a private farming interest. Commissioner Shaffer asked if such an easement would be considered if the Island were sold to a public agency; Mr. Eaton said yes. He noted that affirmative easements are not held by anybody since the future is unknown.

Commissioner Curry asked if the property is all of RD 38; Mr. Eaton said yes. Commissioner Curry asked how elevations are measured in the Delta; Ms Aramburu said the National Geodetic Vertical Datum, where zero is mean sea level.

Commissioner Brean noted that the reason why Nature Conservancy pays taxes on lands that generate income has to do with the tax code; Mr. Eaton agreed the Nature Conservancy must pay taxes on those lands.

Commissioner Harris asked how much of the island would be retired from agriculture; Mr. Eaton said that has not been determined. There could be some new brood ponds added, however, given the scale of the island, that would be a small percentage of the island and could be done in conjunction with drainage and water distribution facilities. He suggested that more than 90% of the farmed area would remain farmed.

Vice Chair Mello asked for public comments and opened a public hearing.

Renne Della Maggiore, Delta agribusiness person and member of Wheat Commission, asked for agriculture value appraisal or if the habitat and water values will be included, and if wheat is not grown, will the impacts to the community be addressed.

Mike Eaton responded that appraisers look at several factors including agricultural uses and what other people have paid in the area, and could include other possible uses. It could be compared to McCormack Williamson Tract, which sold for \$3,200 per acre. Regarding a bond for the property, Mr. Eaton said he is not familiar with the concept. The Conservancy does understand the economic and habitat value of grains, however, the larger economy will also impact the future of crops on the Island.

Sally Shanks, Staten Island, said recently the Legislature decided that Department of Fish and Game will delist the Greater Sandhill Crane in the next two years. The Department needs to develop a conservation strategy and a recovery strategy. More than 60% of Central Valley population of the Cranes winter on Staten Island, and they are there because of the farming practices. A key step toward species delisting will be protection of Staten Island, and count crop residue toward Sandhill Crane protection. That is the focus of the Department's strategy. She added that she and Jim Shanks had suggested that the owners negotiate with Nature Conservancy because they share the same vision for resource management and long-term sustainability of Staten Island as it is currently farmed.

Vice Chair Mello closed the public hearing.

Vice Chair Mello asked for Commissioner comments.

Vice Chair Mello commented that he is concerned that this is a proposal for CALFED to fund acquisition of property for habitat restoration, flood control projects, etc. by giving funds to a nonprofit to enable acquisition thus eliminating the need for public agencies to complete required CEQA review and public review that would otherwise be required. He said earlier, the acquisition was to be funded in the State budget. He noted the staff report does not address a lot of impacts because the proposed action is only acquisition; the additional analysis of a flood control project will be considered later, presumably after the Island has been purchased with CALFED funds. He said he is unhappy with this process.

Commissioner Harris said he is unhappy and feels it was deceptive to label the recent CALFED funding ballot initiative as the "Safe Drinking Water Act". He said that the flyer

distributed at the meeting says of the \$1.97 billion bond, only \$70 million for water systems. He said he is concerned that the CALFED program will eventually result in export of additional water from the Delta to serve users south of the Delta.

Commissioner Shaffer said he supports the approach of protecting the agricultural values on the property, however, if 10% of the land on Staten Island is taken out of agriculture for habitat enhancement that would affect 900 acres. Loss of 900 acres of agricultural land would not be trivial.

Commissioner Brean suggested that this project, as described, most closely parallels the goals of the Delta Protection Commission and its Plan. He said he applauds the Nature Conservancy in its efforts in this particular project, and how its mission can be dovetailed with the Commission's mission. He said he shares the concerns about the future of the Delta in light of the CALFED program.

Vice Chair Mello concurred with Commissioner Brean regarding the overall benefits of the specific proposed project. His concern rests with the overall CALFED process. He suggested that the Commission asked staff to express the Commission's concern with the CALFED funding and acquisition process. He suggested that environmental review should precede acquisition of land with State or federal funds.

Commissioner Harris said he has visited the Cosumnes Preserve and said it is a wonderful project with excellent management. He expressed concern with any increase in size of the Preserve.

Ms Aramburu noted that CALFED has not committed the funds for acquisition of Staten Island, and the project may or may not be deemed to meet the Category III criteria. She noted that the Cosumnes Preserve has been funded with a variety of funds--public and private, and land is held by local, State and federal agencies and nonprofits. She added that CALFED has not directed acquisition of this site.

Commissioner Coglianese asked if staff is seeking a finding of consistency with the Plan, or a position of support or non-support; Ms Aramburu said the Commission often directs staff to comment on a proposed project in light of the policies in the Plan, however, she wanted to leave the Commission the flexibility of adding other comments. She offered a motion that as presented, the proposed project appears to be consistent with the Commission's Plan, however, the Commission has concerns about the eventual use of the property and the lack of long-term commitment to agriculture because Nature Conservancy does not intend to hold the property long-term, and may be limited in the kind of restrictions that could guarantee continuance of agriculture. She said the short-term proposal is consistent with the plan and could be supported, but the other comments should also be included: concern that CALFED continues to give grants for acquisition of lands prior to preparation of environmental documents.

Commissioner Harris seconded the motion and asked that Nature Conservancy be asked to keep the Commission updated as to activities on Staten Island; Commissioner Coglianese accepted that amendment.

Commissioner Curry expressed concern about the loss of agriculture to habitat as part of the project.

Vice Chair Mello said the letter should identify the Commission's concerns about the total cumulative impact to agricultural land in the Delta, the negative socio-economic impacts, although only 10% might be converted to habitat, the impact could be greater if the island floods every few years.

Commissioner Sanders asked if the Commission should take a position on a proposed project at this stage, or after it has been declared a CALFED project. Could a letter from the Commission have an impact on the grant application? Ms Aramburu suggested sending the letter to the Nature Conservancy. Commissioner Sanders asked if that would mean sending the letter to the negotiating parties, rather than the funding parties.

Commissioner Coglianese agreed to that amendment, but asked that CALFED be notified.

Commissioner Matthews agreed that CALFED should be made aware of the Commission's comments.

Commissioner Sanders said there are two different thrusts: one is the future management of Staten Island, the second is the CALFED process and he suggested it is important to distinguish between those two areas of concern.

Commissioner Cabaldon spoke in favor of the motion and suggested that the support of the project should be the main focus of the comment letter, and that the project is consistent with the Commission's vision for the Delta, and as the project proceeds, the Commission wants to ensure that the mechanism by which that occurs (transfer to a private nonprofit) does not obviate the need to go through a full environmental review and consultation with the Commission and other interested parties, and that whoever manages and owns this property shall make a long-term commitment to agriculture preservation on the property. That long-term preservation of agriculture should be the Commission's primary objective.

Vice Chair Mello commented that private landowners make management decisions on their land. However, now that State and federal funds are being discussed for acquisition, the Commission can now comment on the proposed project.

Ms Aramburu repeated that the Commission would draft a letter to Nature Conservancy, with a copy to CALFED, that the Commission supports the short-term proposal to acquire and manage the property for wildlife-friendly agriculture, however, there needs to be development of a long-term strategy to protect that wildlife friendly agriculture. In addition, the Commission expressed concerns about the process of acquisition of lands and the need for full disclosure of future ownership and the need to meet all requirements under CEQA.

Commissioner Cabaldon suggested that the letter state reinforce the need for all acquisition projects to proceed with full disclosure and appropriate review under CEQA.

Ms Aramburu said she would have the letter reviewed by Commissioners Coglianese and Cabaldon.

Commissioner Coglianese asked that the letter suggest that while this project may be beneficial when review on its own, there is a lack of a comprehensive evaluation of cumulative impacts on Delta agriculture is lacking.

The motion was approved unanimously by voice vote.

## 10. Public Hearing and Possible Adoption of Strategic Plan

Vice Chair Mello said the Commission will hold a public hearing and discuss the draft Strategic Plan.

Ms Aramburu said the Subcommittee has continued to meet and she thanked the members for continuing to meet and provide guidance and direction. She said staff has prepared a revised staff report that now is more proactive, including actions that turn the vision and policies into action items.

Commissioner Brean observed that strategic planning can be important to State agencies. He commented that the Commission spent time thinking about its role and goals, and the Subcommittee tried to move beyond just fulfilling the State mandate and tried to craft something useful that would give the Commission a common sense of unity and help define the Commission's mission. He said he thinks the product is missing a work plan; the steps needed to do what is described in the strategic plan.

Commissioner Coglianesi said the process has been very interesting and said the staff report is balanced, reflecting the various positions of the Subcommittee members. She said she thinks this is a good start, and there are some steps to be taken in the short term, such as forming a Legislative Subcommittee. She suggested that the Strategic Plan could be refined further. She said she supports the Plan before the Commission at this meeting and the changes made to the last draft. She noted that there had been no comments from Commissioners after the last meeting.

Commissioner Shaffer asked about the mission statement, why the public/stakeholders/citizenry was not noted as entities with which the Commission works. He suggested adding the phrase "and the public".

Commissioner Curry asked if the absent Commissioners had commented on the draft; Vice Chair Mello noted that Commissioner McGowan had been on the Subcommittee.

Commissioner Cabaldon noted that most of the references are to the Primary Zone, and noted that the vision of the Commission should include the Delta as a whole. He suggested that the Secondary Zone is an area of great growth and has a great influence on the Primary Zone. He suggested that some of the references should be broadened to

include the entire Delta. He asked if the Subcommittee considered other activities for the Commission itself. For example, Mike Eaton mentioned possible management of wildlife areas, or a more activist role in recreation.

Commissioner Coglianesi said there was discussion over whether the Commission would support spending more time, if the Commission would meet more often and whether the Subcommittees would take on responsibilities previously left to staff. She said the Commission could work primarily on the public information and outreach component, but most Commissioners do not have additional time available, but development of a strategic plan could allow the Commission to request additional funds or staff if needed in the future.

Commissioner Brean said he noted the need for a follow-up, work plan--who is going to do what. He said the Commission is going to see some needs that need to be addressed,



the Commissioners will not be able to take on those tasks, and there will be a need to retain a consultant or other staff to carry out work in strategic areas. He said the shortfalls should be fleshed out in a work plan. One other option would be to have Subcommittees take on various tasks.

Vice Chair Mello commented that the Commission was created and funded by the Legislature, and asked if it would be appropriate for the Commission to ask for more staff and funds.

Commissioner Brean noted that the reason for strategic planning in the State is associated with performance based budgeting and performance measures. He said the basis for this planning was to allow agencies to make an agreement with the Legislature to seek funding and make commitment to perform certain tasks. He said this concept has been set aside under the new administration however, some of the ramifications of it are holdovers. The basic concept of the strategic plan, and the work plan, should serve as tools to communicate with the Legislature to seek additional funding.

Commissioner Curry commented that the mission statement should be edited to read "the mission of the Delta Protection Commission is to protect and enhance the existing land in the Delta, including agriculture, recreation, and wildlife habitat" and delete the words about working with federal, state and local agencies. He said the mission is to protect, not to work.

Commissioner Sanders asked if the Commission's enabling legislation also speaks to "restoring" of Delta resources. He asked if the phrase "existing land uses" should be used, for example, is the Commission seeking to enhance residential uses, or does the Commission wish to limit its vision and mission to agriculture, wildlife habitat, and recreation.

Commissioner Brean liked all the comments, and thinks that additional words can be removed and the result is a very clean, simple description of the Commission's mission.

Commissioner Coglianese suggested that the Commission wait to adopt the Strategic Plan until more Commissioners are able to discuss the Plan. For example, the proposal to delete the reference to other agencies from the mission statement raises the issue of whether the Commission is proactive or reactive.

Commissioner Sanders noted that the proposed editing would move the discussion about working with other agencies from the mission statement to the work plan; how the Commission will reach its goals.

Vice Chair Mello suggested the Strategic Plan be carried over to a subsequent meeting.

Commissioner Sanders suggested setting a date for submitting changes to the Subcommittee and to return at the next meeting.

Commissioner Coglianese asked that Commissioners comment on the desirability of developing a parallel work plan and comments on the role of the Commissioners in implementing the Strategic Plan, such as adding more meetings, etc.

Ms Aramburu said she would edit the Strategic Plan and recirculate the Strategic Plan to the Commission for comments and then reconsideration at a future meeting. She asked

that Commissioners comment on whether if the Commission is going to do more, will the resources be the Commissioners themselves, or more staff.

Commissioner Cabaldon said his comment about the role of the Commission was regarding the Commission overall, not the individual Commissioners. He said the Commission spends a lot of time getting briefings on projects that are unrelated except for the common thread of the Delta, and then sending comment letters expressing Commission concerns. He said his question is "what is the role of the Commission" since the Commission is hearing appeals on local land use decisions. He said if the Commission is simply giving staff general direction about interfacing with other entities and keeping up to date on activities of other entities, maybe the Commission doesn't have to meet as often.

Commissioner Brean, referring to the staff report under Agency Goals, Step 4, addresses developing guidelines and tools to promote balance between three key land uses in the Delta. He suggested that once those guidelines start to be developed, it will become more clear what the Commission's role is in proactively living up to this component of the strategic plan.

Vice Chair Mello said the work outlined in Step 4 was addressed in the adoption of the Regional Plan.

Commissioner Brean said it appeared there was interest in moving more strongly in that direction, as discussed at the February workshop.

Commissioner Curry commented on the theory of "paradigm switch". He said the mission statement must be simple and clear to keep the Commission going in the right direction.

Commissioner Ferreira said the mission statement should be simple and to the point; other issues can be in the goals section

Vice Chair Mello opened the public hearing. There was no public comment.

#### **11. Update on CALFED Final Environmental Document and Record of Decision.**

Ms Aramburu said CALFED released its final environmental document; the record of decision can be issued in 30 days. The Commission received a copy of the Executive Summary in the mailing packet. Ms Aramburu noted there will be no public hearings prior to the record of decision. There are no CALFED Policy Group meetings scheduled prior to the issuance of the ROD. Ms Aramburu said the Legislature is holding some of the funds for the CALFED program until the record of decision is released and forwarded to the Legislature prior to August 31. She added currently there is no funding for CALFED in the federal budget.

Ms Aramburu asked the Commission to delegate the authority to prepare comments on the final EIR to the CALFED Subcommittee, with the concurrence of the Chair. A copy of the comments submitted by staff on the Framework agreement was included in the mailing packet.

Commissioner Cabaldon moved to delegate authority to prepare comments on the final EIR to the CALFED Subcommittee, with the concurrence of the Chair. The motion was seconded by Commissioner .

Vice Chair Mello asked for questions or comments from the public.

Steve Macauley, Department of Water Resources, commented that there has been a lot of concern raised about the governance of CALFED. He said Assemblymember Machado will now move forward with his bill in the next month. Mr. Macauley said CALFED will be moving toward more stakeholder involvement that will enhance accountability. He noted that the Framework agreement requires that there will be annual reports on performance submitted to the Legislature and to Congress. The reports will identify if the program is moving forward in a balanced manner.

The public hearing was closed.

The previous motion was approved unanimously by voice vote.

## **12. Update on Adoption of Policies in the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as Regulations.**

Ms Aramburu said a contract had been signed with the Attorney General's office and the required paperwork to proceed with the adoption of the Plan policies as regulations is moving forward. The required notice will be published tomorrow, and copies will be mailed to the Commission and the full mailing list. She thanked Paul Navarro of the AG's offices for his assistance. She said three public hearings will be scheduled, with the third public hearing to be at the September Commission meeting.

Vice Chair Mello noted that Commissioners are needed to attend the public hearings.

## **13. Update on CalTrans Proposal to Install Guardrails on Highway 160,**

### **Sacramento County**

Ms Aramburu said she had set up two meetings with CalTrans to promote discussion between CalTrans and the affected Reclamation Districts. The second meeting was postponed for additional work. She said more information has been passed on to the Reclamation Districts. At the second meeting, Ms Aramburu expects the District representatives to clearly identify their concerns about the guardrail project.

## **14. Update on San Luis Drain**

Lori Clamurro said that the Commission in the past expressed interest in monitoring the status of the San Luis Drain. Back in 1994, Judge Wanger of the District Court ruled that the Bureau of Reclamation had to complete the Drain and apply for a Waste Discharge permit from the State Water Resources Control Board as part of its responsibility to eliminate agricultural drainage from the San Joaquin Valley. That decision was overturned earlier this year in the 9<sup>th</sup> Circuit Court of Appeals; this means that the Bureau, the State Water Resources Control Board, and the Westlands Water District have more options to consider how to deal with the drainage. Included with the memo was a copy of the resolution adopted by DPC in 1993 regarding the San Luis Drain, a press release, and letters from various legislators requesting that the Bureau and Office of Interior not consider the Drain as a solution to the drainage problems. Currently, two

teams of consultants are being considered to look at various alternatives for dealing with the drainage. It is anticipated that the appropriate scoping and environmental documentation process will take three to four years. Commission staff will continue to participate in discussions and keep the Commission updated of new developments.

**15. Update on Proposed North Delta National Wildlife Refuge.**

Ms Aramburu said there has been no formal action by the US Fish and Wildlife Service. She said copies of relevant information was included in the Commission's packet.

Commissioner Shaffer asked if the Service is pursuing MOAs with local jurisdictions; Ms Aramburu said there have been discussions with Yolo County, but no final action has been taken.

Commissioner Cabaldon said there has been no negotiation with the City of West Sacramento. He asked if the Commission has been invited to participate in the Yolo Basin Foundation process; Ms Aramburu said the DPC has not specifically been invited to participate. Commissioner Cabaldon said the Yolo Basin Foundation does excellent work, but their geographic scope is limited and does not include Solano County or the northern areas of the Bypass. He suggested that perhaps the Commission could play a more active role in providing a forum for collaboration.

Commissioner Harris said he understood the proposed boundary of the refuge was moved to the north. He asked that the City of Rio Vista be notified of any future meetings regarding the refuge boundary.

Commissioner Coglianesi said she believes there should be a task force including local elected officials as well as water districts, flood control professional and conservationists.

Commissioner Cabaldon suggested the Commission consider being the place where a conversation about the management of the Bypass could proceed.

Commissioner Shaffer said the Yolo Basin Foundation has received a CALFED grant to develop a strategy for management of the Bypass, and their meetings are open to all interested parties. He suggested the Commission be more proactive and attend the meetings; he volunteered to attend those meetings.

**16. Adjourn.** The meeting was adjourned at 9:15 p.m.