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SUNDAY, JULY 27, 2008

THE HONORABLE PHIL ISENBERG, CHAIR
DELTA BLUE RIBBON TASK FORCE
1416 NINTH STREET, SUITE 1311
SACRAMENTO, CA. 95814

RE: COMMENTS ON DELTA VISION STRATEGIC PLAN DRAFT TWO

DEAR CHAIR ISENBERG,

MY COMMENTS ARE BASED ON THE FOLLOWING ATTACHMENTS:

NORTH DELTA CONSERVANCY POSITION PAPER
NORTH DELTA WATER AGENCY PRINCIPLES
FIVE COUNTY RESOLUTION
DELTA PROTECTION COMMISSION GOALS AND POLICIES
DELTA PROTECTION COMMISSION STRATEGIC PLAN

I AGREE WITH THE ABOVE PRINCIPLES, POLICIES, AND RECOMMENDATIONS. AS A MEMBER OF THE DELTA PROTECTION COMMISSION, A TRUSTEE FOR RECLAMATION DISTRICT NUMBER 551, A DIRECTOR OF NORTH DELTA WATER AGENCY, THE CHARTER PRESIDENT OF NORTH DELTA CONSERVANCY, AND A MEMBER OF THE DELTA VISION STAKEHOLDER GROUP I HAVE PREPARED SOME SPECIFIC COMMENTS THAT I WOULD LIKE TO SHARE YOU AND THE TASK FORCE TEAM.

1. THE DELTA AS A PLACE MUST BE A CO-EQUAL VALUE.
2. THE GOVERNANCE FLOW CHART MUST INCLUDE VERY CLOSE COMMUNICATION AND COORDINATION BETWEEN THE PROPOSED DELTA CONSERVANCY AND THE DPC.
3. THE DPC MUST CONTINUE TO HAVE APPEAL AUTHORITY FOR LOCAL LAND USE DECISIONS.
4. **TO MAINTAIN A DIVERSE AND HIGHLY PRODUCTIVE DELTA AGRICULTURAL ECONOMY** SHOULD BE A MORE PROMINENT OBJECTIVE THROUGHOUT THE DOCUMENT. ADD TO INTRODUCTION PAGE SIX UNDER DELTA AS A PLACE ACTION 10.6. ALSO ADD AS AN ACTION 10.6 ON PAGE NUMBER 12.
5. PAGE SIX, ACTION 4.1 "PHYSICALLY FEASIBLE" SHOULD BE DELETED, AS WITHOUT A RESTRICTION OR A MODIFIER IT PROVIDES FOR ~~POTENTIAL CONVERSION OF ALL LANDS WHERE IT IS HYDROLOGICALLY POSSIBLE.~~
6. PAGE 31, LINES 39 AND 40: **DELETE SUTTER AND NEW HOPE ISLANDS.** THEY ARE OUT OF PLACE WHEN COMPARED TO OTHER ISLANDS ON THE LIST FOR THE FOLLOWING REASONS: HIGHLY PRODUCTIVE AG. LANDS; TREMENDOUS INFRASTRUCTURE; PLANTED TO PERMANENT TREES AND VINES; VERY HIGH PRICED PROPERTY; IN THE FAMOUS CLARKSBURG AND LODI WINE GROWING REGIONS; THEY HAVE DEEP

WELL DRAINED PRIME SOILS; THEY BOTH HAVE STATE OF THE ART RECLAMATION DISTRICTS; BOTH ISLANDS RECEIVE **THE HIGHEST WATER QUALITY**; TOMATO YIELDS ON BOTH ISLANDS ARE OUTSTANDING; ALFALFA QUALITY ON THE TWO ISLANDS IS SOME OF THE BEST IN THE ENTIRE STATE OF CALIFORNIA; BOTH ISLANDS HAVE MANY HOMES, SHOPS, AND VALUE ADDED COMPONENTS.

7. THE TIDAL MARSH LIST SHOULD INCLUDE **PUBLIC AND NGO LANDS**: IN THE COSUMNES-MOKELUMNE FLOOD WAY; MCCORMACK-WILLIAMSON TRACT; T.N.C.; D.U.; B.L.M.; STONE LAKES NATIONAL WILDLIFE REFUGE; IN THE YOLO BYPASS THE FISH AND GAME 12,000 ACRE GLIDE RANCH; THE BALANCE OF **THE YOLO BYPASS ALL HAS A FLOOD FLOW RESTRICTION IN THE DEED.** (NO PERMANENT INFRASTRUCTURE) THE PRIOR LIST OF PROPERTIES IS JUST A PARTIAL LIST OF PUBLIC AND NGO LANDS. PRIME PRIVATELY OWNED AND FARMED LANDS SHOULD NOT BE MADE TIDAL.
8. ON PAGE 49, ACTION 7.7 THERE MUST BE PROTECTION ADDED IN THE POLICY THAT WILL PLACE A LIMITATION ON THE PERCENT OF DELTA WATER THAT MAY BE PURCHASED IN ANY GIVEN CROP YEAR. THERE MUST BE BALANCE BETWEEN DELTA AS A PLACE AND OTHER WATER TRANSFERS THROUGHOUT THE STATE.
9. FUNDING FOR LEVEE "MAINTENANCE" AND RELATED DREDGING AND FLOOD CONTROL ACTIVITIES SHOULD BE CITED THROUGHOUT THE DOCUMENT WHERE LEVEE SUSTAINABILITY IS REFERENCED.

AS YOU PREPARE THE STRATEGIC PLAN DRAFT THREE PLEASE BE COGNIZANT OF THE FACT THAT DELTA CROPS REQUIRE 50% OF THE APPLIED WATER WHEN COMPARED TO THE REST OF THE STATE. DELTA SOILS ARE FILLED TO FIELD CAPACITY WITH THE GENTLE WINTER RAINS (AS OPPOSED TO APPLIED WATER IN THE SOUTH) AND DELTA CROP ROOTS REACH THE WATER TABLE MUCH SOONER AND THEREFORE REQUIRE LESS IRRIGATION.

THANK YOU FOR TAKING THE TIME TO REVIEW MY COMMENTS ON THE SECOND DRAFT OF THE STRATEGIC PLAN.

SINCERELY,



TOPPER VAN LOBEN SELS

CC: ✓ JOHN KIRLIN
SUNNE WRIGHT-MCPEAK
LINDA FIACK

NORTH DELTA CONSERVANCY COMMENTS
ON THE STRATEGIC PLAN DRAFT TWO

THE STRATEGIC PLAN FOR DELTA AS A PLACE MUST INCLUDE:

PERMANENT FLOOD FLOW EASEMENTS FOR ALL EXISTING DELTA FLOOD PLAINS

ENHANCE AND OR IMPROVE WATER QUALITY IN DELTA POOL

ALL DELTA LEVEES WILL BE IMPROVED TO PL 84-99 STANDARDS

BUFFERS IN SECONDARY ZONE SURROUNDING THE PRIMARY ZONE TO MINIMIZE NEGATIVE IMPACTS ON PRIMARY ZONE

WESTERN DELTA LEVEES PROTECTED WITH SEISMICALLY RESISTANT LEVEES TO CREATE A PERMANENT SALT BLOCK.

USE CONSERVATION EASEMENTS TO PERMANENTLY PROTECT THE PRIMARY ZONE FOR AG., WILDLIFE, AND RECREATION.

LEGACY TOWNS WILL BE PERMITTED TO GROW AT HISTORIC LEVELS

IF ANY PROPERTY IS CONVERTED TO PUBLIC OWNERSHIP, THE TAX BASE WILL BE PRESERVED AND THE WATER DISTRICTS, RECLAMATION DISTRICTS, FIRE DISTRICTS, SCHOOL DISTRICTS, ETC. WILL CONTINUE WITH FULL TAX BASE FUNDING. PAYMENT IN LEU OF TAXES HAS NOT WORKED. PUBLIC OWNERSHIP MUST NOT RESULT IN THE CHECKERBOARDING OF AREAS USED FOR AGRICULTURE.

NDWA Policy Principles—Bay-Delta Conservation Plan AND DELTA VISION

Draft 7/1/08

1. Any Delta solution must include guarantees that lands within NDWA will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract between NDWA and the California Department of Water Resources and under applicable California law, including the Delta Protection Act.
2. High quality agricultural land should not be taken out of production as a result of any Delta solution. To the extent that agricultural lands will be affected by new Delta infrastructure or habitat restoration, the focus should be on willing buyer/willing seller transactions, especially those involving lands owned by public agencies such as the California Department of Fish and Game, the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and by non-governmental organizations such as Trust for Public Lands or Nature Conservancy. To be made whole does not mean to be bought out; non-willing sellers should not be forced to give up their property through eminent domain or other coercive processes.
3. Landowners and water users within NDWA should be protected from short-term and long-term “collateral damage” arising from habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure “take” authorization for existing, in-Delta covered activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the state.
4. Any solution must include adequate, reliable, and permanent financing mechanisms (i.e. an endowment, annuity, or dedicated stream of revenue), especially for maintaining the properties and habitat so that they do not impact neighboring land uses.
5. Habitat restoration efforts must not trump all other concerns, and must particularly yield to public health and safety concerns, particularly in relation to (i) mosquito-borne diseases such as malaria or West Nile virus, and (ii) flood risks.
6. BDCP participants should not implement other activities and/or Delta projects prior to the completion of environmental review for BDCP. The process is designed to be comprehensive, so piecemeal maneuvers should be avoided and/or discouraged.
7. Existing local taxes and/or assessments should be maintained, including the payment of assessments and fees to cities, counties, and special districts. Removing even a small part of the local funding for these agencies could compromise the ability to execute their critical roles in community governance.
8. The BDCP and Delta Vision processes must be open, fair, and transparent. Documents, including initial plans and/or workgroup materials, should be widely distributed and available on the internet as this is a state-wide issue. It is also imperative that the process remain open to alternate ideas, rather than a mechanism to reach a predetermined outcome.
9. It is critical to examine the socio-economic impacts on communities and preserve and

expand the local farm economies and small, in-Delta communities. Rural communities require a critical mass to be viable, and shifting too much of a community into habitat could increase development pressures on those communities or in other parts of the region. In addition, removing agricultural land from production may reduce the pool of available mitigation lands, resulting in adverse secondary and tertiary effects in the region.

PRIMARY ZONE MULTI-COUNTY RESOLUTION

Management of the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary must:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;
2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any new Delta governance structures;
4. Represent and include local government in any new governance structures for the Delta;
5. Protect the economic viability of agriculture and the ongoing vitality of communities in the Delta;
6. Support rehabilitation, improvement, and maintenance of levees throughout the Delta;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta be aligned with the principles established by this Resolution and supported by clearly demonstrated improvement of the entire State's water management;
10. Protect and restore the Delta ecosystem, including adequate water supply and quality to support it in perpetuity; and
11. Include the study of storage options and implementation of conservation, recycling, reuse, and regional self-sufficiency as part of a Statewide improved flood management and water supply system.

Environment

Goal: Preserve and protect the natural resources of the Delta, including soils. Promote protection of remnants of riparian habitat. Promote seasonal flooding and agriculture practices on agricultural lands to maximize wildlife use of the hundreds of thousands of acres of lands in the Delta. Promote levee maintenance and rehabilitation to preserve the land areas and channel configurations in the Delta.

Policies

Policies:

- P-1. The priority land use of areas of prime soil shall be agriculture. If commercial agriculture is no longer feasible due to subsidence or lack of adequate water supply or water quality, land uses which protect other beneficial uses of Delta resources, and which would not adversely affect agriculture on surrounding lands, or viability or cost of levee maintenance, may be permitted. If temporarily taken out of agriculture production due to lack of adequate water supply or water quality, the land shall remain reinstatable to agricultural production for the future.
- P-2. Agricultural and land management practices shall minimize subsidence of peat soils. Local governments shall support studies of agricultural methods that minimize subsidence and shall assist in educating landowners and managers as to the value of utilizing these methods.
- P-3. Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Delta-wide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" (Public Resources Code Section 9408(c)) and "Natural Community Conservation Planning" (Fish and Game Code Section 2800 et seq.) should ensure full participation by local government and property owner representatives.

Recommendations

- R-1. Seasonal flooding should be carried out in a manner so as to minimize mosquito production. Deltawide guidelines outlining "best management practices" should be prepared and distributed to land managers.
- R-2. Wildlife habitat on the islands should be of adequate size and configuration to provide significant wildlife habitat for birds, small mammals, and other Delta wildlife.
- R-3. Undeveloped channel islands provide unique opportunities for permanent wildlife habitat in the Primary Zone. A strategy should be developed to encourage permanent protection and management of the channel islands. Protection may include: acquisition, conservation easements, or memoranda of understanding. Management may include: protection from erosion, controlling human access, or habitat management, such as planting native plants and removing exotic plants. Some larger, reclaimed channel islands may be suitable for mixed uses, such as recreation and habitat. Any development on channel islands must ensure long-term protection of the wildlife habitat.
- R-4. Feasible steps to protect and enhance aquatic habitat should be implemented as may be determined by resource agencies consistent with balancing other beneficial uses of Delta resources.
- R-5. Publicly-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement as part of a Delta-wide plan for habitat management.
- R-6. Management of suitable agricultural lands to maximize habitat values for migratory birds and other wildlife should be encouraged. Appropriate incentives, such as conservation easements, should be provided by nonprofits or other entities to protect this seasonal habitat through donation or through purchase.

- R-7. Lands currently managed for wildlife habitat, such as private duck clubs or publicly-owned wildlife areas, should be preserved and protected, particularly from destruction from inundation.

Utilities and Infrastructure Policies

Goal: Protect the Delta from excessive construction of utilities and infrastructure facilities, including those that support uses and development outside the Delta. Where construction of new utility and infrastructure facilities is appropriate, ensure the impacts of such new construction on the integrity of levees, wildlife, and agriculture are minimized.

Policies

- **P-1.** Impacts associated with construction of transmission lines and utilities can be mitigated by locating new construction in existing utility or transportation corridors, or along property lines, and by minimizing construction impacts. Before new transmission lines are constructed, the utility should determine if an existing line has available capacity. To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife. Pipelines crossing agricultural areas shall be buried deep enough to avoid conflicts with normal agricultural or construction activities. Utilities shall be designed and constructed to minimize any detrimental effect on levee integrity or maintenance.
- **P-2.** New houses built in the Delta agricultural areas shall continue to be served by independent potable water and wastewater treatment facilities. Uses which attract a substantial number of people to one area, including any expansions to the Delta communities, recreational facilities or businesses, shall provide adequate infrastructure improvements or pay to expand existing facilities, and not overburden the existing limited community resources. New or expanded construction of wastewater disposal systems shall ensure highest feasible standards are met, as determined by the local governing body. Independent treatment facilities shall be monitored to ensure no cumulative adverse impact to groundwater supplies.
- **P-3.** New sewage treatment facilities (including storage ponds) and new areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone. The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.
- **P-4.** High groundwater tables and subsiding soil make the Delta an inappropriate location for solid waste disposal. Generation of waste shall be minimized through recycling programs for metals, glass, paper, cardboard, and organic materials. Recycling depots for these materials shall be located in central locations to serve Delta residents, visitors, and businesses.
- **P-5.** Surface transportation in the Delta can be dangerous and congested. Roads within the Delta shall be maintained to serve the existing agricultural uses and supporting commercial uses, recreational users, and Delta residents. Where possible, commuter traffic and through traffic should be directed to surrounding highways and freeways, or minimized through programs which promote carpools, buses or trains.
- **P-6.** Air transportation in the Delta shall be allowed to continue to serve Delta residents and agriculture-related businesses. Due to subsidence, transmission lines, high winds, fog, and high raptor and waterfowl use, the Primary Zone is not an appropriate location for new or expanded general aviation airports.

- **P-7.** Operation of draw and swing bridges shall balance needs of land and water traffic. Commercial vessels and emergency road traffic shall have right-of-way over other traffic.

Recommendations

- **R-1.** Railroad rights-of-way in and around the Delta should be protected as transportation corridors. Regional rail links between the Central Valley and the Bay Area should be developed for commuters as alternative transportation routes, thus removing traffic from Delta roadways.
- **R-2.** Bridges provide critical links within the Delta. While bridges must be maintained to provide safe access across waterways, bridges should not be constructed so as to invite roadway expansion. Ferries should be maintained by public entities as long as they are economically viable. Public-private partnerships should be explored to offset costs of maintenance and operation. Hours of service may be curtailed and/or fees charged to non-residents.
- **R-3.** The existing commercial shipping channels should be maintained, and if determined to be environmentally and economically appropriate, deepened to meet modern shipping needs. Expanded use of shallow draft vessels, such as barges, should be explored as a transportation alternative to highways. Material excavated from the shipping channels should, if feasible, be used for maintenance of Delta levees or for wildlife habitat enhancement within the Delta and for other uses within the Delta.
- **R-4.** Materials dredged from Delta channels should, if feasible, be stored at upland sites for reuse for levee maintenance and repair, and other feasible uses in the Delta. Impacts to wildlife caused by storage of dredged materials should be mitigated.
- **R-5.** CalTrans should designate, through appropriate signage, those roadways which are used to transport agricultural equipment and other slow-moving vehicles.
- **R-6.** Potable water supplies to serve Delta uses can be obtained from surface waters or groundwater. Development of groundwater wells should be monitored to ensure wells do not result in overdraft and possible intrusion of saline water into groundwater supplies.
- **R-7.** Natural gas production will continue to be an important use of Delta resources. Structures needed for gas extraction should be consolidated to minimize displacement of agriculture and wildlife habitat. In compliance with existing laws, facilities no longer needed for gas extraction should be completely removed to allow restoration of agriculture or wildlife habitat uses. Counties should ensure that there are appropriate buffers between gas processing and storage facilities and residential and recreational uses to protect lives and property.
- **R-8.** Utilities should be required to contribute a fair share to the cost of levee maintenance and other local services and should not result in a reduction of assessable acreage for reclamation districts.

Land Use

Goals: Protect the unique character and qualities of the Primary Zone by preserving the cultural heritage and strong agricultural base of the Primary Zone. Direct new residential, commercial, and industrial development within the existing communities as currently designated and where appropriate services are available.

Policies

- P-1. The rich cultural heritage and strong agricultural base of the Delta shall be preserved and recognized in public/private facilities, such as museums within the existing communities.
- P-2. Local government general plans, as defined in Government Code Section 65300 et seq., and zoning codes shall continue to strongly promote agriculture as the primary land use in the Primary Zone; recreation land uses shall be supported in appropriate locations and where the recreation uses do not conflict with agricultural land uses or other beneficial uses, such as waterside habitat. County plans and ordinances may support transfer of development rights, lot splits with no increase in density, and clustering to support long-term agricultural viability and open space values of the Primary Zone. Clustering is intended to support efficient use of agricultural lands, not to support new urban development in the Primary Zone. Local governments shall specifically indicate when, how, and why these options would be allowed in the Primary Zone.
- P-3. New residential, recreational, commercial, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing agricultural use. Buffers shall adequately protect integrity of land for existing and future agricultural uses. Buffers may include berms and vegetation, as well as setbacks of 500 to 1,000 feet.
- P-4. New non-agricultural residential development, if needed, shall be located within the existing Primary Zone communities where support infrastructure and flood protection are already provided.
- P-5. Local government general plans shall address criteria under which general plan amendments in the Primary Zone will be evaluated under Public Resources Code Section 29763.5. Proposed amendments to local government general plans for areas in the Primary Zone shall be evaluated in terms of consistency of the overall goals and program of the Delta Protection Commission.
- P-6. Subsidence control shall be a key factor in evaluating land use proposals.
- P-7. Structures shall be set back from levees and areas which may be needed for future levee expansion.
- P-8. Local government policies regarding mitigation of adverse environmental impacts under the California Environmental Quality Act may allow mitigation beyond county boundaries, if acceptable to reviewing fish and wildlife agencies, for example in approved mitigation banks. Mitigation in the Primary Zone for loss of agricultural lands in the Secondary Zone may be appropriate if the mitigation program supports continued farming in the Primary Zone.
- P-9. The implementation of the policies contained in the resource management plan shall not be achieved through the exercise of the power of eminent domain unless requested by the landowner.

Recommendations

- R-1. A program by non-profit groups or other appropriate entities should be developed to promote acquisition of wildlife and agricultural conservation easements on private lands with the goal of protecting agriculture and wildlife habitat in the Delta.
- R-2. Public agencies and non-profit groups have or propose to purchase thousands of acres of agricultural lands to restore to wildlife habitat. The amount, type, and location of land identified to be enhanced for wildlife habitat should be studied by wildlife experts to determine goals for future acquisition and restoration. Lands acquired for wildlife habitat should also be evaluated for recreation, access, research and other needed uses in the Delta. Habitat restoration projects should not adversely impact surrounding agricultural practices. Public-private partnerships in management of public lands should be encouraged. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
- R-3. Multiple use of agricultural lands for commercial agriculture, wildlife habitat, and, if appropriate, recreational use, should be supported, and funding to offset management costs pursued from all possible sources. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
- R-4. Because of the need to continually dredge the channels serving the two ports, it is essential to maintain spoil sites and not allow existing spoil sites to be converted to industrial or other uses which preclude or limit their use as a spoil sites.
- R-5. To the extent possible, any development in the Secondary Zone should include an appropriate buffer zone to prevent impacts of such development on the lands in the Primary Zone. Local governments should consider needs of agriculture in determining such a buffer.
- R-6. Water reservoirs that are consistent with other uses in the Delta should be permitted.

Agriculture

Goal: To support long-term viability of commercial agriculture and to discourage inappropriate development of agricultural lands.

Policies

- **P-1.** Commercial agriculture in the Delta shall be supported and encouraged as a key element in the State's economy and in providing the food supply needed to sustain the increasing population of the State, the Nation, and the world.
- **P-2.** Local governments, as defined in Public Resources Code Section 29725, shall identify the unique qualities of the Delta which make it well suited for agriculture. These qualities include: rich soil, ample supplies of water, long growing season, mild climate, and proximity to packaging and shipping infrastructure. The unique physical characteristics of the Delta also require that agricultural landowners maintain extensive levee systems, provide flood control, and have adequate drainage to allow the lands to be farmed.
- **P-3.** Education of the local populations about the value and rich heritage of agriculture in the State and in the Delta shall be continued and expanded.
- **P-4.** Local governments shall support long-term viability of commercial agriculture in the Delta because of its economic and environmental importance to the State and local communities.
- **P-5.** Support shall be given to current and alternative programs that help to minimize the need for costly production inputs such as fertilizers, pesticides, and herbicides as long as crop production levels and agricultural income can be maintained. Improving crop production and agricultural income is vital to the success of Delta agriculture.
- **P-6.** Each local government shall continue to implement the necessary plans and ordinances to: maximize agricultural parcel size; reduce subdivision of agricultural lands; protect ordinary agricultural activities; protect agricultural land from conversion to other uses; and clearly define areas in that jurisdiction where urban land uses are appropriate and where agricultural land uses are appropriate. An optimum package of regulatory and incentive programs would include: (1) an urban limit line; (2) minimum parcel size consistent with local agricultural practices and needs; (3) strict subdivision regulations regarding subdivision of agricultural lands to ensure that subdivided lands will continue in agriculture; (4) delete from zoning ordinances "other" land uses which are not compatible the agriculture; (5) require adequate buffers between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone; (6) an agriculture element of the general plan; (7) a right-to-farm ordinance; and (8) a conservation easement program.
- **P-7.** Local governments shall encourage acquisition of agricultural conservation easements as mitigation for projects within each county, or through public or private funds obtained to protect agricultural and open space values, and habitat value that is associated with agricultural operations. Encourage transfer of development rights within land holdings, from parcel to parcel within the Delta, and where appropriate, to sites outside the Delta. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and

when developed in appropriate locations designated on a countywide or Deltawide habitat management plan.

- **P-8.** Local governments shall encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter, leaving crop residue, creation of mosaic of small grains and flooded areas, controlling predators, controlling poaching, controlling public access, and others.
- **P-9.** Local governments may continue to retain agricultural zoning and minimum parcel sizes as described in zoning codes in place January 1, 1992. Where minimum parcel size is less than 40 acres, local governments shall describe how smaller parcel sizes will support long-term viability of commercial agriculture in the Primary Zone. This policy shall not be construed to require the re-zoning of subminimum parcels.
- **P-10.**
 - **(i)** Local governments may develop programs to cluster agriculture-dependent residential units or transfer development rights (TDRs) to off-site locations. Clustering on a single farm would be for family members or employees and would not exceed maximum number of units allowed under existing zoning as of January 1, 1992. Clustering would be accompanied by conditions to preserve agricultural use and open space values on the balance of the property. TDRs may involve transfers from farms to Primary Zone communities with adequate flood protection to protect residential use, or to sites out of the Primary Zone.
 - **(ii)** Local governments that pursue clustering or transfer of development rights shall proceed with adoption procedures to implement such programs as part of the local government implementation of the resource management plan.
 - **(iii)** Where portions of cities are located within the Primary Zone, cities shall indicate zoning which was in place on January 1, 1992. Future changes to city general plans or zoning ordinances shall conform to the resource management plan.

Recommendations

- **R-1.** Programs to educate California and the U.S. about the value and diversity of California agriculture should continue. Education should provide information about various crops and about the different agricultural regions, such as the Delta.
- **R-2.** As new information on best management practices to control subsidence of peat soils becomes available, the Commission should review that information and, if appropriate, amend the Plan.
- **R-3.** The five Delta county Farm Bureaus should coordinate on issues of joint Concern.

Water

Goal: Protect long-term water quality in the Delta for agriculture, municipal, industrial, water-contact recreation, and fish and wildlife habitat uses, as well as all other designated beneficial uses.

Policies

- **P-1.** Local governments shall ensure that salinity in Delta waters allows full agricultural use of Delta agricultural lands, provide habitat for aquatic life, and meet requirements for drinking water and industrial uses.
- **P-2.** Local governments shall ensure that design, construction, and management of any flooding program to provide seasonal wildlife habitat on agricultural lands shall incorporate "best management practices" to minimize mosquito breeding opportunities and shall be coordinated with the local vector control districts. (Each of the four vector control districts in the Delta provides specific wetland/mosquito management criteria to landowners within their district.)
- **P-3.** Water agencies at local, State, and federal levels shall work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of State waters are protected consistent with the CALFED (see Water Code Section 12310 (f)) Record of Decision dated August 8, 2000.

Recommendations

- **R-1.** The Delta waterways should continue to serve as a primary transportation system moving water to the State's natural and developed water systems.
- **R-2.** Delta water rights should be respected and protected.
- **R-3.** Programs to enhance the natural values of the State's aquatic habitats and water quality will benefit the Delta and should be supported.
- **R-4.** Programs to regulate agricultural drainage in the Delta should be accompanied with education programs, be implemented over time, and should, where needed, provide financial assistance such as grants and interest-free loans to ensure compliance. Any regulation of Delta agricultural discharges must recognize that a) dischargers must be permitted to discharge back to the channels any dissolved solid loads that were derived from the channels in irrigation diversions and seepage inflows, and b) any net addition of dissolved carbon compounds must be compared to the addition of such compounds that would occur with any other land use option that would provide equal protection of the land and channel configuration and would consume no more water.
- **R-5.** Water for flooding to provide seasonal and year-round wildlife habitat should be provided as part of State and federal programs to provide water for wildlife habitat.
- **R-6.** Water quality monitoring programs should measure Delta waters to ensure they meet water-contact recreation and other water quality standards.

- **R-7.** State and federal water projects are beneficiaries of the Delta waterways and levees; the projects should fund that portion of levee erosion caused by water transport and should continue programs that fund protection of Delta levees.
- **R-8.** Water quality at Delta drinking water intakes should be maintained or enhanced.

Recreation and Access

Goal: To promote continued recreational use of the land and waters of the Delta; to ensure that needed facilities that allow such uses are constructed, maintained, and supervised; to protect landowners from unauthorized recreational uses on private lands; and to maximize dwindling public funds for recreation by promoting public-private partnerships and multiple use of Delta lands.

Policies

- **P-1.** Where public funds are limited, local governments shall promote maintenance and supervision of existing public recreation areas over construction of new public facilities.
- **P-2.** To minimize impacts to agriculture and to wildlife habitat, local governments shall encourage expansion of existing private water-oriented commercial recreational facilities over construction of new facilities. Local governments shall ensure any new recreational facilities will be adequately supervised and maintained.
- **P-3.** Local governments shall develop siting criteria for recreation projects which will ensure minimal adverse impacts on: agricultural land uses, levees, and public drinking water supply intakes, and identified sensitive wetland and habitat areas.
- **P-4.** Local governments shall improve public safety on Delta waterways through enforcement of local, State, and federal laws.
- **P-5.** Local governments shall encourage provision of publicly funded amenities in or adjacent to private facilities, particularly if the private facility will agree to supervise and manage the facility (fishing pier, overlook, picnic area) thus lowering the long-term cost to the public.
- **P-6.** Local governments shall support multiple uses of Delta agricultural lands, such as seasonal use for hunting, or improved parking and access sites.
- **P-7.** Local governments shall support improved access for bank fishing along State highways and county roads where safe and adequate parking can be provided and with acquisition of proper rights-of-access from the landowner. Adequate policing, garbage cleanup, sanitation facilities, and fire suppression for such access shall be provided.
- **P-8.** New, renovated, or expanded marinas shall include adequate restrooms, pumpout facilities, trash containers, oily waste disposal facilities, and other facilities necessary to meet needs of marina tenants. Use fees may be charged for the use of these facilities but such fees shall not exceed the cost of maintenance.
- **P-9.** Local governments shall encourage new recreation facilities that take advantage of the Delta's unique characteristics.

Recommendations:

- **R-1.** Support a scientifically-valid survey of current recreational uses and current and future recreation needs in the Delta to determine type, number, and location of needed recreation facilities. Study needs for trails, unified directional signage, and billboard controls, in the Delta.
- **R-2.** Support a scientifically-valid study of the carrying capacity of the Delta waterways for recreation activities without degradation of habitat values which minimize impacts to agriculture or levees.
- **R-3.** New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).
- **R-4.** Marina owners and operators should take advantage of grants available from the Department of Boating and Waterways to fund new pumpouts.
- **R-5.** To protect rare and endangered fish species from adverse impacts of poaching, the Department of Fish and Game (DFG) should study the feasibility and value of banning night fishing in the Delta.
- **R-6.** State and federal projects in the Primary and Secondary Zones should include appropriate recreation and/or public access components to the extent consistent with project purposes and with available funding. State and federal agencies should consider private or user group improvements on publicly-owned lands to provide facilities (example: windsurf access at Brannan Island State Recreation Area).
- **R-7.** Local governments should develop design guidelines for new or enlarged recreation facilities to protect adjacent agricultural land uses.
- **R-8.** Local governments should develop funding sources to provide adequate enforcement of existing laws to protect health, safety and welfare of Delta recreational users.
- **R-9.** To provide adequate dilution of any potential discharges, new marinas or marina expansions should not be permitted within 1.5 kilometers (0.9 miles) of any drinking water intake located in an open waterway, nor within any waterway or dead-end slough that terminates in a drinking water intake. Projects not meeting this criteria should be considered on a case-by-case basis to determine if a proposed project can be mitigated to provide comparable effectiveness.
- **R-10.** New, expanded, or renovated marinas should minimize toxic discharges (including paint, paint chips, chemicals, heavy metals, tributulin, oil, grease, and fuel) and prohibit discharges of untreated sewage as required under local, State, and federal laws and regulations.

Levees

Goal: Support the improvement and long-term maintenance of Delta levees by coordinating permit reviews and guidelines for levee maintenance. Develop a long-term funding program for levee maintenance. Protect levees in emergency situations. Give levee rehabilitation and maintenance the priority over other uses of levee areas.

Policies

- P-1. Local governments shall ensure that Delta levees are maintained to protect human life, to provide flood protection, to protect private and public property, to protect historic structures and communities, to protect riparian and upland habitat, to promote interstate and intrastate commerce, to protect water quality in the State and federal water projects, and to protect recreational use of the Delta area. Delta levee maintenance and rehabilitation shall be given priority over other uses of the levee areas. To the extent levee integrity is not jeopardized, other uses, including support of vegetation for wildlife habitat, shall be allowed.
- P-2. If levee guidelines are needed, local governments shall adhere to guidelines for federal and local levee maintenance and construction at a minimum as stipulated in the Flood Hazard Mitigation Plan guidelines developed by California Office of Emergency Services and the Federal Emergency Management Agency in the 1987 agreement, and set longer term goals of meeting Public Law 84-99 (Emergency Rehabilitation of Flood Control Works or Federally Authorized Coastal Protection Works), standards administered by the Corps of Engineers. If vegetation standards are needed, local governments shall adopt the adopted vegetation guidelines, which promote native grasses and limited vegetation on specific areas of the levee.
- P-3. Through flood ordinances based on Flood Emergency Management Act model ordinances, developed by the International Conference of Building Officials and included in the Uniform Building Code, local governments shall carefully and prudently carry out their responsibilities to regulate new construction within flood hazard areas to protect public health, safety, and welfare. Increased flood protection shall not result in densities beyond those allowed under zoning and general plan designations in place on January 1, 1992, for lands in the Primary Zone.
- P-4. Local governments shall ensure that existing programs for emergency levee repair should be strengthened and better coordinated between local, State, and federal governments and shall include: interagency agreements and coordination; definition of an emergency; designation of emergency funds; emergency contracting procedures; emergency permitting procedures; and other necessary elements.
- P-5. Local governments shall use their authority to control levee encroachments that are detrimental to levee maintenance.

Recommendations

- R-1. Levee maintenance, rehabilitation, and upgrading should be established as the first and highest priority of use of the levee. No other use whether for habitat, trails, recreational facilities, or roads should be allowed to unreasonably adversely impact levee integrity or maintenance.
- R-2. Landowners, through reclamation districts, should pay a portion of levee maintenance costs. The overall citizenry of California and the United States that benefits from the state and federal water projects, commerce and navigation, travel, production of crops, recreation, and protection of fish and wildlife habitat should also pay a substantial portion of the cost of maintaining the Delta levees. New programs of determining assessments on mineral leases and other beneficiaries should be evaluated by reclamation districts.
- R-3. Due to the difficulty in identifying all the beneficiaries of both State and federal levees and the entities that cause adverse impacts to the levees, the simplest way to collect the funds needed to maintain the levees would be through non-fungable allocations from both the State and federal government to fund regular, on-going levee maintenance.
- R-4. Where efficiencies of scale would result in cost savings and levee systems of two or more reclamation districts provide protection to the same area, the State and other regulatory agencies should consider approval of requests made by reclamation districts for such consolidation.
- R-5. If funding is made available to the reclamation districts for levee maintenance, mitigation for removal of vegetation required to maintain existing levees should be coordinated through a memorandum of understanding between reclamation districts, State, and federal agencies, which results in minimal fiscal impacts to reclamation districts and which will result in "no net long term loss" of habitat in the legal Delta.
- R-6. A "clearinghouse" for material suitable for levee maintenance should be created to assist in distributing appropriate materials to sites slated for maintenance work. Materials which have value for levee maintenance work, such as materials routinely dredged from Delta channels or materials otherwise excavated from within the Delta area, should be reserved first for levee maintenance work. Other uses should be considered only if the material is not needed or is unsuitable for levee maintenance work. Regulations should establish priorities for in-Delta use of soil excavated from within the Delta.
- R-7. Study appropriateness of materials from other sources for levee maintenance and repair, similar to the Long Term Management Strategy prepared for the San Francisco Bay region.
- R-8. To lower levee maintenance costs, streamlined permitting systems for authorization of dredging for levee maintenance and rehabilitation work, including the improvement of wildlife habitat and habitat mitigation sites, and for levee upgrading to mandated standards to protect public health and safety, should be instituted, with one state agency designated as lead agency and one federal agency designated as lead agency. Federal agency concurrence in such designations should be obtained.
- R-9. The program for emergency levee repair should be strengthened. The program should include: definition of an emergency; designation of emergency funds; emergency contracting procedures; emergency permitting procedures and the designation of a State agency to provide immediate response to floodfight, close levee breaks, and dewater flooded areas where local agencies are unable to respond. An emergency program should develop a funding program to assist reclamation districts that are unable to pay such costs.

- R-10. Maintain an inventory of the current status of Delta levees meeting various standards (HMP; PL-99; etc.).
- R-11. Maintain an inventory of channel areas where toxic materials have been identified.
- R-12. Levee maintaining agencies and fish and wildlife agencies should continue to cooperate to establish appropriate vegetation guidelines. Continuation of the SB 34 Program with its incentive funding for mitigation should be supported as the best way to accomplish the goals of levee maintenance with no net long term loss of habitat.
- R-13. As much as feasible, levees should be designed and maintained to protect against damage from seismic activity. Those standards should not promote increased intensity or density of use beyond those designated as of January 1, 1992.
- R-14. Support on-going U.S. Army Corps of Engineers studies and programs that could provide funding, flood protection, and environmental restoration on Delta islands, and support further involvement to improve regulatory streamlining and study beneficial reuse of dredged material.

Marine Patrol, Boater Education, and Safety Programs

Policies

- P-1. Local governments that have or plan to have marine patrols shall possess adequate marine patrol equipment to ensure communication with other county marine patrols, with State patrols on Delta waters, and with the Coast Guard.
- P-2. Local governments that have marine patrols shall notify the Coast Guard when and where patrols are on the water.
- P-3. Local governments that have marine patrol units shall participate in at least one Coast Guard, or Delta Protection Commission sponsored meeting per year to coordinate with other Delta law enforcement programs to develop strategies for effective control, to discuss new laws and programs, and generally increase effectiveness and communication between the various marine patrol programs.
- P-4. Local governments that have or plan to have marine patrol, boater education, and/or safety programs shall develop methods for quick processing of intoxicated boat operators that would ensure that marine patrol staff remains on the water.
- P-5. Local governments that have or plan to have marine patrol services shall recognize towing of disabled vessels as a low priority activity and should develop relationships with volunteer groups or private vendors to provide such services.
- P-6. Local governments that have or plan to have marine patrol, boater education, and/or safety programs shall develop funding and implementation strategies to remove abandoned vessels from county waterways to avoid pollution of Delta waters and remove hazards to navigation.
- P-7. Local governments that have or plan to have marine patrol programs shall coordinate with Department of Fish and Game to provide support in enforcement of State hunting and fishing laws.
- P-8. Local governments that have or plan to have marine patrol programs shall provide adequate levels of marine patrol to ensure public health and safety on the waters of the Delta, taking into account funding available and the number of vessels moored in the Delta, launched into the Delta, and which travel into the Delta.
- P-9. Local governments that have or plan to have marine patrol, boater education, and/or safety programs shall identify problems and solutions surrounding crimes of environmental pollution which can be addressed by local governments. Local governments shall consider feasible solutions (additional pumpouts, dye tablets in holding tanks, rewards for observers, etc.).
- P-10. Local governments that have or plan to have marine patrol, boater education, and/or safety programs shall implement or support education and safety programs to address local, state, and federal laws aimed especially at personal water craft operators and means to encourage attendance at such programs.
- P-11. Local governments that have or plan to have boater education programs shall implement or support boater education programs to address local, State, and federal laws and means to encourage attendance at such programs.

- P-12. Local governments that have or plan to have marine patrol programs shall encourage and coordinate with volunteer programs within their jurisdiction as a way to supplement human resources on the Delta waterways.
- P-13. Local governments that have or plan to have marine patrol programs shall ensure that adequate funds are reserved for marine patrol services. Sources could include: reservation of existing funds such as vessel property tax, launch ramp fees, fines collected from violators, county share of Fish and Game Code violation fines, and possible funds generated from rental houseboats, boats or personal watercraft, or from marina berths.

Recommendations:

- R-1. The Coast Guard should host at least one and preferably two meetings per year of marine patrol programs to promote coordination and communication between the programs. Attendees should include: Counties, Cities, Ports, Department of Fish and Game, Department of Parks and Recreation, and any non-profit or volunteer groups providing education and training or patrol services in the Delta waters.
- R-2. Department of Parks and Recreation (DPR) rangers should continue to patrol the State parks, and provide as much supplemental assistance to local governments and to Department of Fish and Game as possible. DPR rangers should enforce hunting and fishing laws and enforce pollution laws on the waters of the State parks.
- R-3. Department of Fish and Game wardens and DBEEP staff should inform the Coast Guard of their general activities, and special enforcement programs.
- R-4. A system for State peace officers to inform local government marine patrols of intoxicated boat operators should be developed and instituted.
- R-5. Department of Boating and Waterways should continue boating education programs and continue current programs to fund installation of new pumpout facilities.
- R-6. Non-profit and volunteer organizations should continue to assist in patrolling the Delta and offering assistance, such as towing, to stranded boaters. Boater education and inspection programs carried out by volunteers should continue and be promoted by all entities associated with Delta boating.
- R-7. The Legislature should carefully and thoughtfully consider possible legislation and funding to enhance boater safety and welfare which may be suggested by local and State enforcement programs or by non-profit/volunteer groups, such as mandated boater training, hazard removal, hazard posting, and pollution cleanup.
- R-8. The Legislature should designate adequate funding for boater education and marine patrol services.
- R-9. The Legislature should consider possible legislation requiring boaters and PWC* operators to attend boating education and safety programs.
- R-10. The Coast Guard should coordinate its vessel documentation program with the State of California to ensure that funds that would otherwise support boating programs are not diverted through the federal vessel documentation program.

DELTA PROTECTION COMMISSION

2006 – 2011 Strategic Plan

INTRODUCTION

The Delta is a fragile ecosystem that serves as a vital natural resource and hub of economic activity. The Delta Protection Act of 1992 (Act) is intended to protect and enhance the Delta's resources as provided for in the Land Use and Resource Management Plan for the Primary Zone of the Delta (Regional Plan). The Strategic Plan, a product of the Delta Protection Commission's (Commission) visioning process, is meant to further the Commission's implementation of the Act and Regional Plan.

DELTA PROTECTION COMMISSION

2006 – 2011 Strategic Plan

OVERVIEW OF OPPORTUNITIES AND THREATS

The purpose of the Commission is to protect, preserve and enhance the Delta as it exists today serving multiple functions, including, but not limited to:

- agricultural land preservation;
- habitat protection; and
- enhancing recreational opportunities.

Opportunities for achieving the above purposes include:

- infrastructure bond funding;
- grants;
- collaborate with relevant local, state, federal, and private sector entities;
- participate in Delta visioning; and
- propose legislation to expand Commission representation and enhance effectiveness.

Threats to the above include:

- insufficient levee integrity (including subsidence);
- proximity to seismic fault zones;
- population growth and increased demands on all infrastructure elements of the Delta;
- potential increase in water supply demands for 23 million plus Californians;
- urban encroachment in the Primary and Secondary Zones;
- market pressures on agribusiness, i.e., conversion of ag land to non-agriculture uses;
- insufficient integrated regional planning and implementation;
- disputes over public access;
- environmental influences such as invasion of non-native species in the waterways, rising ocean levels, water quality issues etc; and
- greater need for Commission stewardship and social responsibility, e.g., abandoned vessels, dumping and pollution.

DELTA PROTECTION COMMISSION

2006 – 2011 Strategic Plan

Vision:

The Delta in the year 2011 is a dynamic and living system.

Health Indicators for the Delta:

- An integrated approach to water, land use and resource management planning sufficient to protect, maintain, enhance and restore the cultural and economic sustainability of residents, businesses, agricultural and recreational interests consistent with a healthy ecosystem;
- Sufficient flood protection (e.g., levee maintenance and improvement, and subsidence mitigation) for residential, commercial, agricultural and public infrastructure; and
- Sufficient fresh water flow and water quality in and through the Delta to meet the needs of Delta water users (residential, commercial and agricultural), recreation, habitat preservation and water quality.

Mission:

To protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment consistent with the Delta Protection Act and the Regional Plan, including, but not limited to agriculture, wildlife habitat and recreational activities; to ensure orderly, balanced conservation and development of Delta land resources and improved flood protection.

DELTA PROTECTION COMMISSION
2006 – 2011 Strategic Plan

Program Strategy: *Fully implement the Act.*

1.) Effectively integrate the Regional Plan into local government general plans.

- Work proactively with local planning departments to ensure full integration of the Regional Plan into general plans.

2.) Act as the appeal body for inconsistencies between general plans and the Regional Plan.

3.) Implement the Regional Plan on a prioritized basis and consistent with the Act.

- Develop and implement annual work plans that target implementation needs flexibly and in partnership with stakeholders.

4.) Participate actively in the development of a long-range Delta-wide vision and management plan in which the Regional Plan would be included.

5.) Initiate a proactive approach to collaborative participation in legislative and regulatory efforts so that the Commission's influence is represented in all discussions of proposed relevant legislation and regulatory change.

DELTA PROTECTION COMMISSION
2006 – 2011 Strategic Plan

Funding Strategy: *Fully develop funding strategies permitted under the Act.*

- 1.) Continue to receive funds as designated under the Act.
 - Submit a Budget Change Proposal in 2006 – 2007 to restore budget for 2007 – 2008.

- 2.) Maximize funding allowable under the Act.
 - Apply for grants;
 - Pursue bond opportunities;
 - Consider member contributions for specific activities and tasks; and
 - Pursue other financial support as permitted by the Act, such as gifts, donations, rents, royalties, and other financial support from private sources.

- 3.) Efficiently manage the Commission's resources.
 - Streamline Budget Unit components.

- 4.) Participate in collaborative efforts to develop funding strategies that fully consider the economic benefits and costs of achieving the Commission's vision of the Delta.

- 5.) Promote strategies for the funding, acquisition, and maintenance of voluntary cooperative arrangements, such as conservation easements between property owners and conservation groups that protect wildlife habitat and agricultural land, while not impairing the integrity of infrastructure, including levees.

DELTA PROTECTION COMMISSION
2006 – 2011 Strategic Plan

Leadership Strategy: *Develop and maintain the partnership between Commission and staff.*

1.) Ensure a well-informed and effective membership body of Commissioners that reflects the diversity of Delta stakeholders.

- Develop and implement Commissioner orientation program.

- Establish meeting attendance norms and processes.

2.) Hire the best qualified and highest performing staff possible to carry out the responsibilities of the Commission, consistent with the Act, this Strategic Plan and the Administrative Work Plan.

- Evaluate long-term needs for positions and levels of expertise.

- Develop comprehensive human resources policies and implement these consistently for all staff according to State requirements and policies.