STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

DELTA PROTECTION COMMISSION
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Contra Costa County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Association of Bay Area Governments

Sacramento Area Council of Governments

San Joaquin Council of Governments

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

West Delta Reclamation Districts

Bay Delta Authority

Department of Boating and Waterways

Department of Fish and Game

Department of Food and Agriculture

Department of Water Resources

State Lands Commission

State Parks

Delta Landowner – Outdoor Recreation

Delta Landowner – Production Agriculture

Delta Landowner – Wildlife Conservation

March 16, 2009

Honorable Jared Huffman, Chair
Members
Assembly Water Parks and Wildlife Committee
State Capitol, Room 3120
Sacramento, California 94249

Dear Chair Huffman and Members of the Committee:

SUBJECT: Input for Committee Consideration Relative to Sacramento-San Joaquin Delta Conservancy Legislation (AB 13)

The Delta Protection Commission (Commission) acknowledges the benefits of creating a Delta Conservancy and the efforts of the Legislature to give priority to establishing this function. It should be noted, however, that the Commission recognizes the necessity to establish such a Conservancy in the context of a governance structure that supports Delta as a Place as a value rather than merely a means to accomplishing ecosystem restoration and reliable water supply. Thus, development of a Conservancy structure that provides funding support for in-Delta agricultural, recreation and habitat protection, preservation and enhancement programs rather than having a primary focus solely on supporting fishery enhancement programs should be of utmost priority and importance.

As stated in comments provided to the Delta Vision Blue Ribbon Task Force (Task Force), the Commission recommends a Conservancy structure that would: (1) assure representation of in-Delta government and stakeholder interests (using the Sierra Nevada Conservancy as a model); (2) provide for integrated coordination between the Conservancy and the Commission which would be accomplished by including the Chair of the Commission as a voting board member (similar to the successfully established relationship between the California Coastal Commission and the Coastal Conservancy); and (3) provide funding and support for implementation (as opposed to development) of existing and proposed projects and programs that promote agriculture and recreation resources and opportunities as well as the habitat and water resources of the Delta.

While the governance structure provided in AB 13 appears to be similar to the Sierra Nevada Conservancy model as suggested by the Commission, the structure currently proposed does not provide a formal link of governance between the

Conservancy and the Commission, yet it does provide a governance link to the San Francisco Bay Conservation and Development Commission (SFBCDC) and the California Coastal Conservancy. Nor does the legislation, as proposed, recognize the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan), the policies of which are also adopted in Delta local government general plans and provide for the implementation of programs similar to those cited as a proposed responsibility of the Conservancy.

To assure effective utilization of funding and administrative resources to support and sustain Delta natural and economic resources, it is recommended that Delta conservancy legislation include provisions assuring that the Commission's role under the Act is represented through participation of the Chair of the Commission as a voting member of the Conservancy Board and that the Conservancy role have a focus on providing funding, easements, and implementation support for programs that include those initiated and mandated by existing legislative authority such as those currently administered by the Commission with a focus on agriculture, habitat and recreation. Following is background information as reference for the recommendations provided herein.

The Act was enacted by the Legislature to provide for the protection, maintenance, and where possible, enhancement and restoration of the overall quality of the Delta environment, including but not limited to agriculture, wildlife habitat and recreational resources and activities, and to ensure orderly, balanced conservation and development of Delta land resources and flood protection. Thus this is the Commission's mission for accomplishing a vision of the Delta as a dynamic and living system.

The 23-member Commission, established by the Legislature through the Act, is comprised of a member of the Board of Supervisors from each of the five Delta counties, an elected city official from each of the three regional governments (Association of Bay Area Governments, San Joaquin Council of Governments, and the Sacramento Area Council of Governments); elected representatives of the north, south, west and central Delta water agencies/reclamation districts; and a representative from the following state departments: Fish and Game, Water Resources, Food and Agriculture, State Parks, Boating and Waterways, State Lands Commission, and the Bay Delta Authority (CALFED). Additionally, the Commission membership includes three appointees of the Governor that must be residents of the Delta with interest in production agriculture, environment, and recreation. The Senate and the Assembly are also represented on the Commission by two ex-officio members.

The Management Plan sets out findings, policies and recommendations in the areas of Environment, Agriculture, Water, Recreation and Access, Land Use, Utilities and Infrastructure, Levees, and Boating Recreation. As mandated by the Act the policies of the Management Plan are incorporated in the general plans of local Delta governments (cities and counties) having jurisdiction within the Primary Zone of the Delta established under the Act. Projects proposed within the Primary Zone are subject to the appeal authority of the Commission under the Act, and projects proposed in the Secondary Zone are subject to review by the Commission (under the California Environmental Quality Act) as to potential of impact to the Primary Zone.

A sampling of the projects currently underway by the Commission, pursuant to the Act, Management Plan, and the goals and objectives of the Commission's 2006-2011 Strategic Plan, in addition to review of land use proposals for consistency, include: development of a volunteer Delta-wide ag easement program in partnership with local jurisdictions and land trusts; implementation of a Delta working landscapes program in partnership with Ducks Unlimited and Hart Restoration; implementation of a feasibility process to develop a plan for establishment of a Delta National Heritage Area in partnership with the Carquinez Strait Preservation Trust; implementation of the planning and feasibility process for development of The Great California Delta Trail (SB 1556) in partnership with regional conservancies; promotion of programs for Delta branding and economic development, including Delta signage, community recognition, and eco and agricultural tourism programs; facilitation of abandoned vessel removal programs; participation in emergency planning and response programs in partnership with local, state and federal agencies (SB 27); co-sponsorship of the Lower Yolo Bypass Planning Forum along with the Yolo Basin Foundation; and facilitation of the Delta Resource Conservation and Development Council which has a focus of enhancing economic development opportunities for agriculture in the Delta.

The common theme among the noted projects and activities is that they are being approached from a Delta-wide and regional perspective and being planned in conjunction with the participation of in-Delta stakeholders, private-public partnerships, governmental entities and others as determined to be appropriate. It is also worth noting that the Commission has undertaken the process of updating the Management Plan and it is anticipated revised policies to enhance support of projects such as those noted will be adopted in July of this year.

The Commission takes great pride in its role as a facilitator of stewardship of the Delta by providing a strong voice for those who live, work and play there. It is thus assumed that the lack of recognition of the Commission and its role in the Delta under the Act was an oversight in the current version of the Delta Conservancy legislation and that your Committee will give consideration to the recommendations provide herein to address this omission. Additional information about the Commission is available on the Commission's web site at www.delta.ca.gov or by contacting the Commission's Executive Officer, Linda Fiack, at (916) 776-2292.

Respectfully Submitted,

Don Nottoli

Don Nottoli
Chair

C. J. Van Loben Sels

Topper van Loben Sels
Vice-Chair

Attachments: Commission Member Roster
Delta Map (Primary/Secondary Zones)

cc: Members of the Commission
Linda Fiack, Executive Director