

**TULARE BASIN WORKING GROUP  
AGENDA FOR OCTOBER 28, 2011 MEETING  
NRCS – 3530 W. Orchard Ct., Visalia  
1:00 – 4:30 p.m.**

**Facilitator: Larry Saslaw, BLM-Bakersfield**

**1. Welcome and Introductions**

**2. Finding a sustainable water supply/sustainable water supply funding for 25,000 acres of pre-existing NRCS WRP easements in South Valley; Review of NRCS habitat programs – Karl Kraft (NRCS), Jesse Bahm (NRCS)**

NRCS is actively looking for WRP (and other habitat program) projects. Funding looks good – NRCS expects a 30% reduction from the 45 million that it had last year. To be eligible for the program a landowner either has to have natural hydrology, riparian water rights or be tied to a water district. Through compatible use agreements, landowners are allowed to put in structures to pump water and put some on the easement and use the rest elsewhere. NRCS is open to using small solar facilities for pumping that water. Nevertheless, it is difficult to find qualifying projects with secure water. Last year they looked at 25 potential projects but only closed on 4-5. NRCS can pay for restoration, but not long-term maintenance. There is also the possibility of working with the NRCS office to put together a restoration cost share agreement (good for existing projects that need enhancement). These agreements can be written to cover multiple years and go up to \$50,000. This is a program that is generally under-utilized. Enhancements include earth movement, native planting, water control structures, etc.

Karl, Jesse and Elizabeth (the field office) rely on partners to recruit landowners for NRCS programs, but they're available to come out and look at the property, soils, check for red flags, etc.

**3. Tulare Basin Wetland and Riparian Water Supply Needs revived in context of Tulare Basin Watershed Initiative – Steve Laymon (BLM) See attachment:**

*TBWP.TulareBasinWetland&RiparianWaterSupplyNeedsFeb162010.doc*

TBWP's analysis of water for wetlands needs in its *Water Supply Strategies Report* came up with a higher numbers than Central Valley Joint Venture – the attached memo is an attempt to explain this discrepancy. As we move forward with the Tulare Basin Watershed Initiative, it's important for everyone to know the most up-to-date water supply needs. TBWP's analysis was based on interviews with most of the water districts in the Tulare Basin. Everyone is encouraged to look at the numbers in TBWP's *Water Supply Strategies Report* alongside CVJV's numbers and keep in mind that there are always new variables that tweak these numbers – nothing is static.

#### **4. Treating City of Delano wastewater for duck club use – *Derek Mynear (DU)***

Chris Hildebrandt (with Ducks Unlimited) is working with the City of Delano engineer on options for recycling wastewater for wetlands. Right now they have 2 options on the table: 1) Upgrade the treatment plant to treat water with ultraviolet radiation, then install 8.5 miles of pipe from the plant to the Alpaugh canal, where it would be lifted to supply wetlands with water 2) Partner with Semitropic Water Storage District, which would manage the recycled water from the plant. This water would also have tertiary treatment. This option would require 1.5 miles of pipeline, which would connect treatment plant pipeline with pipeline in the district. This is the preferred option since the district would bank the water used for the irrigation district, and then deliver the water to the wetlands on an as-needed basis. Right now Semitropic and DU are trying to ascertain the feasibility of having Semitropic act as water manager; there are some concerns about the safety and liability around dealing with wastewater. They are also doing an analysis to see if the cost of tertiary treatment is justified by the improved water supply.

#### **5. Solar power and wetland water supply – **John McCaull (Conservation Strategy Group); Steve Laymon (BLM), Larry Saslaw (BLM)****

- John McCaull: Williamson Act and related legislation:
  - Lois Wolk, the representative from Yolo and Solano Counties authored Senate Bill 618 – it allows for landowners with a Williamson Act contract to rescind their existing contract and replace it with a solar use easement. The new solar use easement contracts require land to be used for solar PV for at least 20 years. As the Williamson Act was written, it was not clear whether one could do large-scale solar on Williamson Act lands and not violate the agreement (although smaller scale was never a problem). The only way to extinguish the solar easement would be to put the land back into agriculture (under the Williamson Act). This will probably be effective the 1<sup>st</sup> of the year. The CA Dept. of Conservation has to sign off on each individual solar use easement. The parcels cannot be on prime or unique farmland; these easement have to be on soils with significantly reduced productivity or those that have other adverse conditions detrimental to agriculture.
  - AB1265 Nielsen, allows for counties to reduce the term of Williamson Act contracts from 10 years to 9 years or 20 years to 19 years and then reevaluate property values based on the new, shorter term. This piece of legislation is already being used. The 10% change in contract allows for revaluation and many counties are realizing that they'll get more money as property tax values are re-assessed. Landowners are starting to realize this could mean higher property values and therefore higher taxes. . Kings County is capitalizing on this piece of legislation; no news on Tulare County.
  - WA 668 Evans would allow cities or counties to accept contributions from public agencies to supplement lost property revenues. If there were counties considering discontinuing the Williamson Act, a third party could put money on the table to maintain the program (This is what is

happening in Sonoma; the program costs approximately \$500,000) This could be used at a project-specific level – a group could choose to pay for lost property tax revenue to keep a specific property in the act (but they can't put any new restrictions on the land).

- CSG and other agriculture and conservation groups are really trying to look at future of the Williamson Act. The Nielsen bill runs through 2016, but there needs to be a long-term funding solution for the Williamson Act.
- John McCaull: Solar Development.
  - There is a lot of regulatory/policy/legal momentum related to solar development in the Central Valley. We want to be able to accomplish various restoration goals. What are the opportunities for moving water for environmental purposes and getting the power to do it? Sometimes there are direct partnerships with solar companies; sometimes there are mitigation requirements for solar projects. It seems like a worthwhile project for the Working Group partners to find out where the solar projects are in the development pipeline, what and where are the mitigation requirements and how can we tap into this?
  - Steve Laymon: In Atwell Island, the Atwell Island Water District is starting construction on a 39 MW solar project on their land. BLM owns about 90% of that land, so most of that solar project will get inherited by BLM and provide will be a funding stream to help support Atwell Island. BLM is considering a proposal to put a 150 MW solar facility on the eastern 1000 acres of Atwell Island project (where there is very marginal farmland and the soil does not support upland habitat vegetation). Most of the biological work has already been done, they are now selecting contractor to do the EIR/EIS. As part of the mitigation for that project, BLM is would get a 1 MW (5 acre) facility to provide power for managing the wetland, including pumping to provide water to WRP projects north of Alpaugh. Operations and Maintenance for the solar facility pretty small but capital costs are huge. In a dry year, it'd take about 7/10<sup>ths</sup> of a MW to provide water to Atwell Island, the rest could be used to provide water to other wetlands.
  - Suggestion: Look into taking advantage of peak/off peak pricing. At this point, Atwell Island is buying water from farmers who are taking advantage of that. Whether the government could secure a deal like that from PG&E is uncertain but worth looking into.
  - What if TBWP wrote a letter to each of the four Tulare Basin counties asking for a standard mitigation term along the lines of what Steve does as a condition of any contract? Counties set mitigation requirements – it's essentially a local land use decision. Kern County is trying to do a master contract approach and site 1500MW of solar panels (thousands of acres). We need to figure out where we need water, where we need it pumped or moved...this is a good opportunity. This is an item for the Watershed Coordinator as a conservation strategy – Kathy will flesh this idea out with John. TBWP also needs to look at where solar development is

happening – will new facilities have a big impact on land we’ve targeted for want to protection/restoration? It is important to “guide” the siting of solar facilities.

- John Shelton: is there any intertie between recent air board decisions on implementing cap and trade and solar facilities? We need to see what sorts of revenues are generated now that cap and trade is in place where those revenue streams should go.
- Jim May: Tulare County has had a lot of inquiries about siting solar facilities – there is a need to link mitigation to county planning.

**5a. UC Merced update re: UC Natural Reserve Field Station at Atwell Island (“Tulare Basin Natural Reserve Research Station”), Armando Quintero (UC Merced)**

UC Merced has a new chancellor, Dorothy Leland, who is focused on improving and building research programs at UC Merced. She sees the Sierra Nevada Research Institute (SNRI) as the signature institute at UCM. She is spending time meeting community leaders in the Valley; she was recently a luncheon speaker at a meeting of Valley Supervisors. As of Nov. 1, SNRI is going to have a newly announced Executive Director who will focus on the business side of things. Roger Bales will continue to be the Director. Armando is the development director for SNRI and other programs. Roger Bales and the Vice Chancellor wrote a business plan for SNRI including a research element at Atwell Island and plans for a vernal pool preserve at UC Merced. There are preparations to write a business plan for a Tulare Basin Reserve next. UC Merced is interested in looking into putting together a 1-year renewable agreement in regard to the Atwell Island site. Along those lines, Armando talked to Tasha (CSG) about a potential donor who is interested in coming down to see the Atwell Island site in the next few weeks. It would be good to schedule a visit before Steve Laymon leaves. Steve is meeting with Tim Smith on Tuesday to discuss all of this and is certainly open to a visit in the next few weeks. Armando will connect with Steve via email.

**6. Presentation on the Tulare Lake Basin Data Collaborative – a water data collection project as a result of A.B. 303 and DAC funding for Tulare County – Mike Hickey (Tulare County GIS) See attachment: Tulare Lake Basin Data Collaborative.pdf**

Mike is from the Tulare County GIS department. Tulare County has water problems, so they’re trying to collect data. There was a groundwater study through UC Davis that came up with 7 major findings. The incoherence and inaccessibility of data prohibits moving forward. Mike can try to make data more accessible and coherent. He has collected a lot of data for Tulare County and some data for the entire basin. He is trying to set up an online database that anyone could access, but with an internal component for agencies (with access) to share data back and forth. One of the reasons the data are hard to access is because each agency’s data are incompatible with the data from other organizations, and many agencies require confidentiality agreements. Mike is trying to get his hands on as much data as possible for Tulare, Kern, Kings, and Fresno counties. Mike showed some graphs

and maps of land use vs. nitrate patterns. These images show patterns, but not cause. The on-line database can take a number of data sources; the focus right now is on water quality, depth, and information about groundwater wells but they're trying to get all the data they can. They want to paint a picture based on the full spectrum of water quality, water supply, soil types, water rights – all of this is needed in light of Disadvantaged Community water problems.

Suggestions: Contact Stephen Lee at the US bureau of reclamation in Fresno. Try talking to groups connected to the Irrigated Lands Program w/ the Central Valley Water Quality Control Board.

### **7. Tulare Basin Watershed Coordinator update – *Kathy Wood (Watershed Coordinator)***

Kathy introduced herself. Kathy works as consultant to TBWP serving as the Watershed Coordinator. Her position is funded primarily by a grant from the California Department of Conservation. The Watershed program began with the RCDs, then was moved to CalFED – but one had to be part of Cal Fed solution area to get funding. The most recent round of funding was open to areas South of the Delta. There are 8 objectives in the grant; there is a watershed core group including members of the TBWP team and board and partners funding DOC grant match requirements (NRCS, BLM). The team helps to advise and ensure grant requirements are being met. The team meets monthly to put together plans and discuss strategies. Kathy has been meeting with members of many of the organizations present to get a sense of players, needs, available resources etc. in the Tulare Basin. The Tulare Basin is the largest watershed coordinator area in the state. Grant objectives include:

- Work with the IRWMs (seven groups in this area) to integrate ecosystem/restoration components and projects into their plans. Kathy is also looking at ways to capitalize on programs like the WRP for projects involving water supply, quality, and flood management.
- Find grants/funding for projects.
- Work with NRCS on getting the word out, getting sign-ups, etc. for the WRP (and other NRCS habitat programs.)
- Develop and facilitate projects that benefit the Disadvantaged Communities. Last week Kathy went to a meeting on the rural water supply program (used primarily in the northern Plains states), which has recently been re-written, and is now eligible in CA. There may be some potential for this area.
- Work with RCDs and other civic and conservation groups to promote consideration of non-water natural resources in project design.
- Promote consideration of climate change factors (especially riparian and wildlife corridor protection) in IRWM water projects.

Kathy has a copy of all eight objectives and can share those with anyone who is interested. Kathy reports to IRWMs and the Tulare Basin Working Group. She is considering forming an advisory group.

**8. Tulare Basin Watershed Initiative website – Niki Woodard (TBWP, Spiral-PR)** See attached zip file: watershedwebsitevisuals.zip

Niki is developing a website for the Tulare Basin Watershed Initiative (the Watershed Initiative is the program for which Kathy is the Watershed Coordinator). The website is going to be a general resource center for opportunities, tools, partnerships, etc. to help get projects off the ground. Niki introduced the website plan: the Home page will have news, updates, and a map. There will be a “Resources” tab that will include funding opportunities (including federal, state and private grants – to be frequently updated) and initiatives. The “About” tab will talk about the Watershed Initiative and the Watershed Coordinator’s role. There will also be a Project Database, which will serve as a place to compile and advertise all of the projects being implemented (or even conceptualized) in the Tulare Basin. This section will list the project name, have a photo and a map, give a brief description of the project, list the ecosystem services provided, the resources available and needed and the partners involved.

- Project Database Suggestion: Find a way to consider the media as a potential audience; make sure to have contacts listed along with the organizations involved. Other important constituencies to consider are educators and students (kids needing local resources for science projects, etc.) This section could be a good resource for K – college.

There will be a section on the website for Department of Conservation reports (submitted quarterly), maps, IRWM plans, and a multimedia library – including power point presentations and videos (e.g. a video on the history of Atwell Island.) Niki will keep everyone posted as the website progresses and is open to suggestions and feedback – niki@spiral-pr.com

- Suggestion: The Tulare Lake Basin was hugely important to Native Americans – we need to be sure we’re working with the tribes.

Kathy pointed out that the Tulare Basin Watershed Initiative is all-inclusive; although she is a consultant for TBWP, she represents everyone in the room.

**9. Greenprint update -- Clark Thompson (Fresno COG)**

The Greenprint is considered a companion to Blueprint effort, which focused on urban areas. There is a steering committee including Sarge Green, Ed Thomson, Susan Antenen, and John Wright. Each COG (for each of the counties involved) has a project manager associated with the Greenprint. The committee is working on the following tasks:

- Define objectives and deliverables as part of contract with UCD Information Center for the Environment. By mid-November, they should have these fairly well defined. A few things have already been agreed upon: 1) Include background information and set the context for the Greenprint project. There needs to be a case for the importance of a Valley-wide perspective on natural resources and open space issues. 2) Focus on an understanding of the linkages between the valley and the mountains; 3) Include historical, demographic, and

land use information projected out to 2050. 4) Define and explain the overall planning area vs. the focus area for data collection (the planning area consists of the entire 8 Valley Counties, but the data collection focus area won't include federal lands, for example) 5) Examine how the Greenprint will fit within other valley-wide planning efforts (Blueprint, IRWMs, etc.)

- Conduct an email survey. This will be very broadly distributed to build awareness and support. Feedback being sought will include expectations of the process, aspirations for the region, and identification of resource management opportunities and challenges. The answers to this survey will influence data collection.
- Conduct targeted interviews as a follow up to the survey. These will have similar objectives as the survey. This may or may not happen – interviews are labor-intensive. They are looking at alternative methods for information gathering. (Suggestion: consider focus groups.)
- Create a space for data management, which will include on-line user contribution capability. This will be a place for gathering and sharing spatial information on valley-wide scale. This will also create a place to make data and maps available to planning departments throughout the Valley. There is a decline of planning staff in the Valley; this will provide information to help out with local agency decision-making.
- Determine spatial analysis and mapping priorities that will most effectively aid planners, counties, and cities. There is also a plan to develop region-wide thematic maps identifying data gaps and data priorities.
- Outreach: work primarily through the steering committee and stakeholder advisory committee (not sure how this committee will be utilized) to engage individual COGs and the Valley COG Regional Policy Council. The COG member agencies consist of cities and counties. The regional policy council is comprised of two elected officials from each of the COGs. This essentially creates a valley-wide structure.
- Conduct 3 workshops in the northern, central and southern parts of the valley. At conclusion of Phase 1 of the Greenprint, there will be a State of the Valley report with good maps and other useful information for local agencies.

Question: The Blueprint pushed for higher densities, resulting in more opportunities for public transportation and lower vehicle miles traveled. The Greenprint is looking at the potential importance of agriculture and other land protection to reduce development/sprawl – is this the point of connection to the Blueprint?

Clark: the Greenprint focuses on non-urban areas (it hasn't been determined whether this includes land within city spheres of influence), but things like riparian corridors, water quality issues – these issues exist in both rural and urban areas.

Comment: The Boards of Supervisors didn't buy in to the blueprint process – have we moved beyond that? Are the Boards of Supervisors engaged? Clark: There is some Prop 84 money for incorporating Blueprint principles into city general plans (for cities of 50k or less) and the Smart Valley Plan – the Blueprint is still alive through these initiatives. With regard to the Greenprint - it is a COG, not a county-

driven project; there is a lot of work that needs to be done to get the counties to buy-in.

Suggestions: SRT has good before and after visuals – use them as a resource. The Southern Sierra Geographic Information Cooperative is another valuable database.

**10. CSG update: a brief review of water and land use legislative passed and signed by Gov. as of Sept. 30, and prospects for Water Bond in 2012 – Tasha Newman/Kris Tjernell (Conservation Strategy Group) – attachments: Full Bond Overview.doc & End of Session 2011 legislative report.doc**

- Senator Pavley pushed to make publicly available all public well log reports including the well logs that have to be done when wells are drilled, fixed or decommissioned. Right now that information is confidential (per the Department of Public Health). The Bill to make this information publicly available sailed through the legislature until the end, when law enforcement got worked up about the public health threat, and the bill failed. A compromise was reached to allow specific individuals to access the data, but this was vetoed by the Governor. There will be another effort soon to make these data publicly available.
- Where the next big chunk of public funding stands: An 11.14 Billion dollar water bond is currently slated to be on the November 2012 ballot. This bond was originally intended for 2010 ballot, but the legislature decided it was bad timing and postponed to 2012. CSG fully expects the legislature to re-engage on this issue early next year to re-evaluate. The governor is also pursuing a Delta solution– he wants the peripheral canal or a tunnel system to increase water reliability. The planning for this will be wrapped up early next year. The governor will do an analysis to see what he needs in the bond to pay for this – depending on what he finds, he may push the legislature to change the bond. This could mean shrinking the overall size, changing it *and* shrinking it, pushing it off until 2014, etc. The legislature needs a super majority to do anything other than put the bond on the ballot in November 2012.

In regard to state funding opportunities, there is still money from previous bond, but it will run out in 3-5 years. It is crucial to find alternative mechanisms to fund conservation. Current funding opportunities:

- DWR is going into the next round of IRWM grant cycles; In February a round of planning grants are due (CSG is working with the Southern Sierra IRWM; other groups that didn't maximize their grant award are eligible to apply again).
- Another round of Strategic Growth Council Sustainable Communities Planning grants just opened and are due in early 2012 (there is 20-30 million dollars available for planning grants – this could be an opportunity for additional funding for the Greenprint).



- The State Water Resources Control Board's Stormwater grant program has applications due in January (40 million dollars). There is a meeting in Fresno December 8.
- DWR posted a draft outline for anticipated deadlines for a number of programs included Small Communities Drinking Water – Tasha can send this out.
- John: there may be an NRCS funding opportunity through the Bay Delta Initiative that would possibly include the Fresno Slough (on the north edge of the Tulare Basin). There is a possibility here for funding for regional flood management planning with Madera, Merced and Fresno working together.

**11. High Speed Rail Draft EIR comments - Steve Laymon (BLM), Rob Hansen (TBWP)** *see attachment: TBWP.HSTDEIRCommentLtrFresno-Bakersfield13Oct2011.doc*

TBWP was concerned that specific issues related to specific species and places were not addressed in adequate detail. State agencies have constraints on how to view the proposed HSR route in the context of their lands – TBWP doesn't have those constraints and could approach comments from a biological point of view. A review of the biological part of the Draft EIR showed that only 40% of the proposed route had been walked by consultants – the majority has never been looked at. Annee Ferranti (DFG) added that the timing of the surveys, especially in regard to listed plants was terrible – the consultants did their surveys at a time when they wouldn't be able to find threatened and endangered plants. The TBWP conservation plans evaluated the entire area of the HSR route and TBWP was in a position to give feedback on which areas were red flags, good spots for mitigation, etc. but there was not enough detail in the DEIR to even do this. The DEIR does not have a reasonable analysis of where they wildlife corridors should be put. DFG has concerns about impacts to state owned lands and other conservation lands. For example, the proposed route goes through two reserves, including Allensworth. The proposed route would also impact conservation banks in Madera and Merced counties and will have significant impact on vernal pools, blunt nosed leopard lizard and golden eagle habitat. DFG has provided comments at 5 different times but they have not been adhered to. The USFWS does not have the capacity to comment. Another alternative will be released this spring but comments at that time will only be allowed on the supplemental section – not on the entire DEIR.

**12. CVJV's Foothill ring planning effort project update - Ruth Ostroff (CVJV)** *see attachment: CFLA-Planning-Update1.pdf*

Regarding the CA Foothill Legacy Area – CVJV is looking to do an easement area in the foothill ring but it doesn't have the exact area outlined; they are currently getting public feedback - the scoping report will come out in November. The California Foothill Legacy website's Planning Update has new information periodically.

### **13. CVJV update re: 2012 funding prospects for NAWCA, NABCI, CVJV & Migratory Bird programs – Ruth Ostroff (CVJV)**

CVJV is optimistic that it will continue to be able to help TBWP fund CSG. They are hopeful that NAWCA will be funded for 30-35 million dollars; CVJV submitted a grant that will potentially be selected for funding in March in the north valley; they are looking for opportunities in the south valley. The Joint Venture as a whole will be meeting next month to look at a five-year strategic plan; an association of Joint Venture Chairs will take this to Congress to ask for funding.

### **14. Round of agency/NGO updates**

- Carole passed out the new TBWP brochure along with a donation envelope – please consider TBWP in your charitable giving.
- Elizabeth Palmer could not come to the meeting, but we want to wish her a Happy Birthday anyway!
- Larry Saslaw is retiring from BLM in a few months, but says he is willing to continue to facilitate the TBWG meetings. Thank you Larry, and good luck and congratulations!
- Steve Laymon is moving to Sacramento to work for the USFWS – many, many thanks to Steve for his years of service to the TBWP and the entire Tulare Basin.
- Any day there will be earth moving on an additional 130 acres at Atwell Island.
- The public comment period for BLM's Resource Management Plan closes December 3<sup>rd</sup>.
- The deadline to sign up for the NRCS's Environmental Quality Incentives Program (EQIP) and Wildlife Habitat Incentives Program (WHIP) is November 18. Funding can be up to 75% cost share (up to \$50,000). Property has to be agricultural and has to be privately owned.
- Jonathan Pickett with CWA is putting together a wetland enhancement project and is looking for partners.
- John Shelton has details for anyone interested in the storm water program
- Dan Strait that Central Valley PCP grant program open.
- Kathy Wood is sitting on the Stakeholder Advisory Committee for the CADFG visioning as a volunteer. There will be a public comment period in December and she encourages everyone to participate.

### **14. Spring tour of DU sites - Derek Mynear (DU) – see email.**

### **15. Announcements (4:20 – 4:30)**

*Upcoming TBWG meeting dates:* April 27, 2012 (including tour of selected DU and CWA NAWCA-funded wetland restoration sites in Tulare Basin); October 26, 2012 (at NRCS-Visalia).