



**CALFED
BAY-DELTA
PROGRAM**

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August 2, 1999

The Honorable Doug Ose
United States House of Representatives
1508 Longworth House Office Building
Washington, DC 20515

Dear Representative Ose:

This is in response to your letter of June 10, 1999, regarding land acquisition activities under the CALFED program. You have asked that we forward a copy of this response to Mr. Les Heringer of the Sacramento Valley Landowners Association. We will do so, and as a matter of information, have enclosed with this letter a copy of our response to Mr. Heringer's letter of June 10, 1999, which discusses several of the topics you raised in your letter.

As you know, we are developing a long-term plan to address four interrelated problem areas – water quality, Delta levee integrity, water supply reliability, and ecosystem restoration. Additionally, CALFED is functioning as a coordinating committee for funding of ecosystem restoration projects that are complementary to the ecosystem restoration program element of the long-term CALFED Bay-Delta Program. In some circumstances, implementation of ecosystem restoration will require changes in land use, and in some circumstances, those changes are best achieved by change in ownership from private to public ownership.

I wish to emphasize that land acquisition is not a CALFED program goal. We view land acquisition as a means to an end – the end being restoration of ecosystem functions. Indeed, land acquisition is not the preferred means to achieve ecosystem restoration. We have adopted a policy preference of using public property and conservation easements on private property before acquiring fee title to land.

The general process for funding land acquisition for ecosystem restoration projects is this:

- Identify program actions. This identification is essentially complete and documented in our Ecosystem Restoration Program Plan and Strategic Plan for Ecosystem Restoration,

CALFED Agencies

<p>California</p> <ul style="list-style-type: none"> The Resources Agency Department of Fish and Game Department of Water Resources California Environmental Protection Agency State Water Resources Control Board Department of Food and Agriculture 	<p>Federal</p> <ul style="list-style-type: none"> Environmental Protection Agency Department of the Interior Fish and Wildlife Service Bureau of Reclamation U.S. Geological Survey Bureau of Land Management U.S. Army Corps of Engineers 	<ul style="list-style-type: none"> Department of Agriculture Natural Resources Conservation Service U.S. Forest Service Department of Commerce National Marine Fisheries Service Western Area Power Administration
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which are technical appendixes to the June 1999 draft programmatic Environmental Impact Statement/ Environmental Impact Report. Appendix D, draft Stage 1 Actions, provides details on the program actions that we propose for the first seven-year increment of program implementation. I have included a copy of Appendix D for your review.

- Choose specific projects for funding. Specific projects are identified either as “directed programs” or through a public solicitation process. “Directed programs” are specific projects identified by CALFED agencies as filling an unmet need in the ecosystem restoration program. We have conducted three public solicitations for ecosystem restoration projects over the past three years. For your review, I have enclosed a copy of each of these public solicitations (*Request for Proposals*, 1997; *Proposal Solicitation Package*, May 1998; and *Proposal Solicitation Package*, February 1999). Each of these packages describes the type of projects that were considered for funding and the process followed to evaluate the proposals submitted in response to the solicitations. We have separately forwarded executive summaries of proposals for your review.
- Grant funds to proposal proponents. After appropriate review and evaluation, proposals are funded. I have enclosed a report from our project database, which includes information on the number of acres where land uses are changing through various ecosystem restoration projects. As noted in this report, through the use of easements, many acres are changing uses but not changing ownership.
- Receive and review monitoring reports and project deliverables to ensure that habitat restoration goals are being achieved. Each successful applicant is required to provide regular reports on the progress of their project and on the ecosystem effects that derived from that project.

We are aware that land acquisition raises concerns for many parties and that several methods have been suggested to address these concerns. Your letter mentions some of these methods. We have held several conversations with various interested parties regarding these concerns and suggested methods.

Regarding the memorandum of agreement suggestion, we are discussing this approach with several of the CALFED participating agencies to determine the scope of their authority to enter into such memorandums. A cooperating landowner assurances clause has been included in conservation plans, where federal agencies generally agree to a flexible ESA enforcement policy on lands adjacent to habitat restoration projects, with the understanding that the owners of those adjacent properties not change their land uses or practices. Acceptance of cooperating landowner assurances will be strictly voluntary. Landowners

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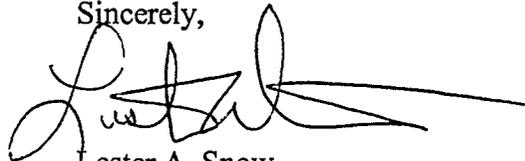
and local public entities may withdraw from the CALFED program's cooperating landowner assurance program at any time without penalty or disincentive.

I am unsure of the ability of CALFED agencies to enter into agreements with landowners regarding permanent control of rodents, control of deer herds, or control of hunters and trespassers. We are considering adding a provision to grants for land acquisition to require prompt removal of untended orchards on land that is being changed to habitat.

We are also considering your suggestions regarding public disclosure of private groups' plans regarding land acquisition. As indicated in our letter to Mr. Heringer, we support landowner meetings as a method to inform the public about CALFED plans, and we require all CALFED-funded projects to include a public information plan.

I hope this information is helpful. Please call me at (916) 657-2666, or Daniel McCarroll, CALFED legislative coordinator at (916) 653-5704, if you have additional questions on this material.

Sincerely,

A handwritten signature in black ink, appearing to read "Lester A. Snow", with a long horizontal flourish extending to the right.

Lester A. Snow
Executive Director

Enclosures

Ecosystem Restoration Program Plan, Strategic Plan for Ecosystem Restoration,
Appendix D, "Draft Stage 1 Actions."
Request for Proposals, 1997
Proposal Solicitation Package, May 1998
Proposal Solicitation Package, February 1999
Ecosystem Restoration Project Tracking Table, July 1999