

**YOLO BYPASS WORKING GROUP
MEETING NO. 17**

MEETING MINUTES

MEETING DATE: October 25, 2001

LOCATION: California Department of Fish and Game
Yolo Wildlife Area Headquarters
45211 County Road 32B (Chiles Road)
Davis, CA 95616

IN ATTENDANCE:

Robin Kulakow, Yolo Basin Foundation
Dave Feliz, California Dept. of Fish & Game (DFG)
Don Stevens, Glide-In Ranch
Chris Fulster, Jr., Glide-In Ranch
Dick Goodell, Glide-In Ranch
Selby Mohr, Mound Farms
Rick Martinez, Martinez Bros. Farming
Margit Aramburu, Delta Protection Commission
Mike Hardesty, Reclamation District 2068
Dennis Murphy, Murphy Farms
Ed Towne, Bull Sprig Outing
Bob Dorian, H Pond Ranch
Bob Leonard, Yolo Basin Farms
Ric Reinhardt, MBK Engineers
David Brown, Yolo County Mosquito Vector Control District
Tom Harvey, U.S. Fish and Wildlife District (USFWS)
Mark Hennelly, California Waterfowl Assn. (CWA)
Elizabeth Soderstrom, Natural Heritage Institute
Campbell Ingram, CALFED
Pat Perkins, DFG
Ray Thompson, Skyraker Duck Club
Selene Jacobs, Jones & Stokes
Dave Ceppos, Jones & Stokes

NEXT MEETING: The next meeting will be held January 15, 2002 from 10:30 a.m. to 1:00 p.m. at the Yolo Wildlife Area Headquarters.

ACTION ITEMS:

1. Jones & Stokes will provide a copy of the Sacramento-Yolo Mosquito and Vector Control District's California Environmental Quality Act (CEQA) Negative Declaration for review.
2. Jones & Stokes, Yolo Basin Foundation and California Waterfowl Association will coordinate scheduling of a subcommittee meeting to discuss the impacts of Sacramento-Yolo Mosquito and Vector Control District activities on migratory waterfowl.
3. Jones & Stokes will send a copy of the Yolo Bypass Management Strategy to Mike Coleman.
4. Mike Hardesty will provide information on the State Board of Reclamation-owned Giant Garter Snake habitat at the next Working Group meeting.
5. Dave Feliz will provide information on midge populations.
6. Mark Hennelly will forward information on Assembly Bill 299 to Jones & Stokes.
7. David Brown will provide contact information on the weather station at the McCormack property for the meeting minutes.

Mr. Ceppos called the meeting to order and introduced David Brown, Director of Mosquito and Vector Control for Yolo and Sacramento counties (MVCD). Mr. Brown discussed the MVCD's interest in collaborating with local landowners to support their efforts while protecting public health.

Mr. Brown provided an overview of the activities and responsibilities of the MVCD. The MVCD adopts an integrated pest management approach, and wants to explore water management methods to control pest infestations in the Yolo Bypass and associated diseases in nearby human populations. Some of the activities in which MVCD is currently involved include:

- ⇒ Working with landowners to reduce pesticide applications using water management practices;
- ⇒ Producing and using mosquito fish in biological control efforts to manage some of the 25 species of mosquitoes found in this region; and
- ⇒ Treating aquatic larval sites to reduce the need for pesticide application.

Mr. Brown identified some constraints to effective pest management as:

- ⇒ Warm climate and abundant flood waters;
- ⇒ Restrictions on aerial spraying for six days following the September 11 terrorist attacks in New York and Washington, D.C.; and
- ⇒ National Pollutant Discharge Elimination System (NPDES) restrictions. On March 12, 2001, in Headwaters, Inc., et al. vs. Talent Irrigation District, the 9th Circuit Court of Appeals ruled that an NPDES permit is required when applying pesticides to navigable waters. However, the interpretation of this ruling has been unclear. The organization Delta Keeper supports the Appeals Court decision requiring an NPDES

permit. Some members of Congress have appealed to The U.S. Environmental Protection Agency (EPA) to issue an interpretive rule advising the public that pesticide application to waters of the U.S. does not require an NPDES permit. The EPA is working to clarify the specific restrictions and requirements of the NPDES rules in this matter. Additionally, an exemption for agricultural activities is being considered, as the current regulations expire in 2003.

Mr. Stevens asked if the MVCD has ever produced an environmental document that addresses harassment of waterfowl. Mr. Brown indicated that he does not think so, as the CEQA document produced by the MVCD was a Negative Declaration. The document did not evaluate impacts of aerial flying and spraying on waterfowl and habitat. However, the MVCD has worked with a number of groups that have determined that MVCD activities do not have significant negative effects on waterfowl. Mr. Ceppos added that Jones & Stokes will provide copies of the CEQA document for review at the next meeting. A participant asked if ducks consume significant numbers of mosquito larvae. Mr. Brown answered that they do not, but that a recent concern has been the West Nile Virus. Although corvids (e.g. blackbirds, crows) are more vulnerable to the virus, ducks serve as hosts for the disease. Mr. Brown indicated that the virus is currently found as near as Louisiana and the Caribbean, and that the best way to prevent its spread to California duck populations is to limit mosquito populations while ensuring activities do not impact landowner programs.

One participant asked if there is an alternative to aerial spraying, as the MVCD's spraying 2 to 3 days prior to the season's opening is scaring away ducks in the Yolo Bypass. Mr. Brown responded that the MVCD is interested in working with landowners to resolve these types of issues.

One participant asked how often the MVCD conducts aerial sprays. Mr. Brown responded that spraying is not done according to a set calendar, but that efforts are being made to coordinate spraying with landowner activities. B.t.i (*Bacillus thuringiensis israelensis*, a compound that specifically targets larvae) and IGH (insect growth hormone, which prevents adult development) are being used to reduce disturbance impacts to waterfowl concentrations. The MVCD is concerned that mosquitoes may develop resistance to applied treatments.

A participant asked if it is possible to apply the IGH before flooding. Mr. Brown indicated that it is possible, but that the use of these products is regulated by the U.S. EPA and California EPA. He stated that the MVCD can require landowners to be responsible for mosquito control, but that he would prefer not to do that.

A participant asked if pretreating with Altocid methoprene pellets is still being done in the Bypass. Mr. Brown answered that Altocid methoprene application is still performed, and that it has been used effectively for eight years. However, resistance has started to develop, hence the need for alternative treatments. Another participant asked if Golden Bear oil is still being applied. Mr. Brown answered that the District is not using pupicides such as Golden Bear oil, and instead targets larvae before they reach the pupal stage, as larval treatment has greater impacts on population control.

A participant asked about the use of gambuzia to control mosquito populations. Mr. Brown stated that gambuzia are ineffective if they do not eat the target species. Different species of mosquitoes have different life cycles. For example, the flood mosquito lays eggs on the ground rather than on the water's surface. The flood mosquito has a 3-4 day life cycle. Other species have a 7-10 day life cycle and lay eggs on the water's surface, and gambuzia are effective in managing these species. Therefore, gambuzia should be used in sites that maintain water and provide habitat to species other than the flood mosquito, rather than in sites that allow water to drain.

One participant asked if B.t.i. applications have been shown to have detrimental effects on midge larvae. Mr. Brown submitted that studies have shown larvae populations to rebound quickly from the applications, indicating no significant effects.

Another participant asked if it makes sense to apply treatments to water before flooding. Mr. Brown responded that it does not, as those treatments do not disperse properly. Another product, Agnique MMF film, is similar to Golden Bear Oil as it has greater impact on air-breathing organisms. However, it can be a problem because it indiscriminately kills all air-breathing organisms, most of which are beneficial to a healthy ecosystem

One participant asked what is the status of use of the fungus that was reported to be an effective treatment. Mr. Brown answered that it turned out to be a disappointment because it was not consistently effective. There is not much incentive for innovators to develop new formulations due to relatively limited uses, but the treatments still need improvement.

A participant asked if the MVCD keeps track of flooding of ponds so that aerial spraying is not unnecessarily repeated. Mr. Brown answered that the District does keep track of spraying, but different products last for different periods of time. The District is working with another bacillus product that recycles, lasting 2-3 weeks rather than 12-24 hours. The District cannot use a 30-day product because it has found that pest resistance develops and the product then cannot be used the following year.

Another participant suggested that it would be a good idea for duck club owners and the MVCD to meet in mid-August each year to develop a schedule of sprays and flooding. Mr. Brown responded that he plans to attend more of the Working Group meetings and to develop alternative methods, including water management methods.

Ms. Perkins stated that the Yolo Bypass Working Group is lucky to be dealing with Mr. Brown, as some abatement districts use treatments that kill everything. She stated that Mr. Brown is willing to consider alternatives, and is interested in adopting a collaborative approach.

Mr. Feliz stated that the DFG is in constant contact with the MVCD from late summer through the onset of the wet season, and that this communication has proven effective.

A participant asked if landowners may contact the MVCD to notify the District of flooding schedules. Mr. Brown answered yes and reiterated that the MVCD is interested in working with landowners to meet their needs. He suggested that many problems are related to water delivery systems, and if water were delivered faster, mosquitoes would have fewer hatching cycles. Only one treatment would be required, rather than multiple treatments. These are the types of innovative approaches the District hopes to develop with landowners.

Another participant indicated that he had worked with the San Joaquin and Contra Costa Vector Control District, and that Ducks Unlimited has conducted a related analysis of differing treatments. Suisun Marsh has also dealt with this problem. He wondered if perhaps Yolo Bypass mosquito control efforts should be treated as a pilot program.

A participant reiterated the importance of communication and indicated that Stone Lakes National Wildlife Refuge has proven to be an example of effective collaboration. The MVCD has acted as an information resource and has demonstrated a willingness to work with others.

Mark Hennelly of California Waterfowl Association stated that CWA has sponsored Assembly Bill 299, the Suisun Marsh Wetlands Enhancement and Mosquito Abatement Demonstration Program. The bill authorizes the Program to devise and evaluate methods by which wetland management techniques in the Suisun Marsh can be better integrated with mosquito abatement programs. These methods include manipulation of the timing of flooding. Mr. Hennelly suggested a similar effort could be established in the Yolo Bypass. Jones & Stokes, Yolo Basin Foundation and California Waterfowl Association will coordinate scheduling of a duck club subcommittee meeting to discuss the impacts of Sacramento-Yolo Mosquito and Vector Control District activities on migratory waterfowl and collaborative ways to solve problems.

CALFED Ecosystem Restoration Program Update

Campbell Ingram of CALFED stated that CALFED is grateful to the Working Group for its efforts in developing the Management Strategy. The next steps for ERP are to reorganize and adapt a regional approach. This will be accomplished by dividing the CALFED study area into 4 regions: Sacramento Valley, San Joaquin Valley, Bay Region, and Delta Region.

Mike Coleman is the Delta Region coordinator, Rebecca Friss is the Sacramento Valley coordinator, and Mr. Ingram is the San Joaquin Valley coordinator. Three hundred twenty projects have been funded throughout the CALFED study area. The regional approach allows CALFED to break out coordination into regions, and coordinators can maintain closer communication with projects such as the Yolo Bypass efforts in their regions.

Mr. Ingram stated that the CALFED Ecosystem Restoration Program (ERP) Proposal Submittal Process closed on October 5, and that at least 3 or 4 proposals were submitted for the Yolo Bypass. These proposals should be posted on the web within one month. All proposals will undergo review by multiple selection panels, and selections should be completed by March 2002.

Mr. Ingram indicated that the ERP expects to receive \$20 million from the federal government for this round of funding. The Feinstein-Calvert bill would provide \$2.3 billion to the CALFED programs. However, this issue is still being debated in Congress due to San Joaquin Valley water user concerns. Future implementation actions include the ERP staff providing outreach to local groups to identify pertinent ecosystem restoration issues. The resulting input will feed back into the Implementation Plan and will be reflected in future PSPs.

Mr. Hardesty raised an issue regarding the Giant Garter Snake habitat in the southern Bypass. He stated that the Reclamation Board constructed a 6-foot levy around 160 acres of snake habitat, violating permit requirements. He suggested this might be a conflict of interest.

Another participant indicated that CALFED is attempting to develop region-specific subplans for each region with more specificity based on habitats. The Delta Region is the first effort, coordinated by Mike Coleman. The Working Group may want to participate in public review of these subplans.

Mr. Feliz indicated that CALFED will fund the preparation of the management plan for the Yolo Wildlife Area expansion. The Resources Agency still must authorize the action and CALFED must amend the Phase 2 contract. The DFG promised the Working Group involvement in the public input process. The DFG will get funding to do the Management Plan over a period of 2 years.

Working Group Questionnaire Results

Mr. Ceppos stated that the questionnaire was designed to find out if the Working Group is on the right track. The questionnaire asked if Working Group participants think a Working Group Steering Committee should be formed. Currently, YBF and Jones & Stokes develop the agendas for, and coordinate Working Group meetings. Mr. Ceppos asked if the group is satisfied with the meeting format, level of participation, etc.

One participant indicated that differences of opinion create the potential for disagreement with YBF. More control over the meeting process may be desirable because conflict could someday arise. It would be a good idea to have a Steering Committee to provide checks and balances.

Mr. Ceppos stated that YBF has limitations because it is a 501(c)(3) organization and cannot lobby, etc. For this reason, the Working Group may want to form a separate entity.

Another participant stated he thinks "we should not fix what is not broken." Too many committees would complicate the situation.

Mr. Mohr stated that this Working Group is currently comprised of a core group of participants. A Steering Committee would be redundant.

A participant asked if CALFED dictates the priorities. Mr. Ceppos answered, yes but only with regards to the priorities set forth in the recent proposal that CALFED funded. He stated that the Working Group can obviously discuss any number of issues but that it can not expect for those meetings (and all the costs associated with them) to be paid by CALFED. CALFED rightfully has some expectations for their investment of funding. Mr. Ceppos also reminded the group that the current priorities to be focused on were developed by the Working Group in their CALFED proposal.

Mr. Hardesty indicated that the Working Group needs a structure that could survive without a consistent funding mechanism.

Mr. Martinez suggested that Ricardo Pineda and Steve Bradley from the Department of Water Resources (DWR) and the Reclamation Board (respectively) should come to the meetings on a more regular basis.

One participant asked if YBF could keep the Working Group alive. Ms. Kulakow answered that at some point the group needs a life of its own, since YBF is ultimately just another stakeholder.

A participant asked how landowners protect themselves with respect to the flooding issue. Another participant stated that not all Working Group participants are connected. The group needs people involved in issues; who are aware of developments, and have political knowledge.

Mr. Ceppos asked Mr. Reinhardt if someone from the Comprehensive Study should come speak to the Working Group. Mr. Reinhardt responded that the U.S. Army Corps of Engineers (Corps) has recently received criticism of its public outreach efforts, and would likely be willing to attend the meeting. Mr. Ceppos stated that maybe a Corps representative should be invited to the next meeting.

A participant asked for a definition of the Comprehensive Study. Mr. Reinhardt responded that the DWR and Corps are conducting a watershed level study from the Sacramento and San Joaquin River watersheds to the limit of the Delta. The study will develop a programmatic plan and smaller projects focused on flood damage reduction and ecosystem restoration. Additional flood storage (including reservoir and flood plain storage) will be incrementally developed over time. This additional flood storage does not include the Yolo Bypass.

Update on DFG Yolo Wildlife Area Issues

Wildlife Area Expansion

Mr. Feliz stated that there is not much to report on the expansion of the Wildlife Area. Escrow will not close until the end of November. Mr. Feliz is currently discussing lease and easement options with Causeway and Tule Ranches.

Hunting Programs

Recent hunting programs yielded a 3.5 bird average by 94 hunters. The Junior Pheasant Hunt is for hunters under the age of 16. It will be held on November 17. DFG will plant 50 birds. To register, interested parties should send a postcard to the Wildlife Area with name, phone, license number, and adult chaperone's name (adult cannot hunt). Last year, this event had a low turnout, so Working Group participants should make an effort to recruit additional hunters.

There are more pheasants this year because there has been no flooding thus far. Pheasant hunting will take place on Saturdays and Wednesdays from November 10 to December 8. DFG will provide 40 permits per hunt. To register, send a postcard to the DFG Regional Office.

Mr. Ceppos adjourned the meeting.