

**YOLO BYPASS WORKING GROUP
MEETING 28**

MEETING MINUTES

MEETING DATE: DECEMBER 18, 2003

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 Department of Fish & Game (DFG)
Dave Ceppos, Center for Collaborative Policy (CCP)

NEXT MEETING: February 19, 2004, 10:30 am to 1:30 pm

Dave Ceppos called the meeting to order. The Working Group has been in existence for 3 and ½ years. During that time the Yolo Bypass Management Strategy was created close to two years ago. The management strategy has been used by many agencies in the area as an informative document about local stakeholder sentiments regarding the Bypass.

Previous meeting minutes were adopted as final for the project administrative record.

Mr. Ceppos briefly summarized the agenda.

**Update on Regional Water Quality Control Board Agricultural Waiver
Water Quality Issues
John Currey, Dixon Resource Conservation District**

The Dixon Resource Conservation District (RCD) looked at the agriculture waiver requirements, established staffing time and needs, generated a budget and sent landowners south of Interstate 80 a letter regarding the local agriculture waiver group. To date, approximately 50% of irrigated lands in the Dixon RCD region have been enrolled. Dixon RCD has requested that if local landowners in the Bypass have not received the letter and would like additional information please leave address and contact information with Robin Kulakow of the Yolo Basin Foundation.

On November 1st, 2003, the Dixon RCD turned in a document to the Central Valley Regional Water Quality Control Board (RWQCB) listing landowners who have enrolled in the local agricultural waiver group program. Information collected in the Dixon RCD letters from the landowners will be kept at the local level and will not go to the RWQCB until it is determined that a problem is present. Participants in the local agriculture waiver groups will be assessed a

flat fee through December 2005 for lands that are flooded. The Dixon RCD will consider the feasibility of assessing a varied rate scale after 2005. If landowners have not enrolled, there will be no penalties on the local level to enroll at a later date; however, enrollment fees will not be pro-rated. Dixon RCD has requested that landowners enroll as soon as possible.

Participant Question: Are some areas of the Bypass part of the North Delta Water Agency (NDWA) group?

Answer: If the property is in the southern Bypass, then that property is likely part of the NDWA. The NDWA is also working closely with the Sacramento Coalition. To date, these agencies have not needed anything from the southern watersheds; however that is beginning to change and landowners in those areas are likely to be contacted soon

Participant Statement: Until the NDWA and the Sacramento Coalition contact the southern watersheds it doesn't make sense for those landowners to enroll at \$2.00 per acre.

Answer: True. Dixon RCD will adjust landowner enrollments according to monitoring locations and lands that provide surface water sources to those monitoring locations.

Participant Question: Does the Dixon RCD require a letter that southern Bypass landowners are deferring enrollment until further information is obtained from NDWA?

Answer: The Dixon RCD, together with other participating agencies, will be coordinating with each other to make sure land owners are covered. According to the state regulations, the only way a landowner is covered is if they are signed up with an agency, otherwise the state assumes that landowner is participating in the agriculture waiver program as an individual.

Participant Question: Who is communicating with southern Bypass landowners to let them know what is going on?

Answer: The Dixon RCD would prefer that NDWA take care of this.

The Sacramento Coalition status right now includes everything north of the Delta up to Oregon border because those watersheds drain into the Delta. The Dixon RCD is working on a cost structure, a watershed evaluation report, and a monitoring plan, which is due April 1, 2004. How the monitoring plan is structured and approved by RWQCB will affect landowners. Currently the Dixon RCD has estimated six monitoring sites for the local watershed; however the RCD is trying to limit the monitoring locations to three. If a landowner decides to not join a local group program, monitoring could cost up to \$15,000.00 per year assuming no toxicity is found. If toxicity is found the cost could increase up to \$85,000.00 per year.

Participant Question: How is toxicity determined?

Answer: If the organism that is used during the testing dies, then the monitoring location is considered positive for toxicity.

As a reminder to landowners, the local agency program group enrollments cover the piece of ground in the local watershed not the individual landowner. Therefore, if a landowner has multiple parcels in different watersheds that landowner will need to sign up at different agencies to ensure all their properties are covered in the program.

Participant Question: Has Dixon RCD talked to anyone about frequency of monitoring at other sites because of toxicity.

Answer: Dixon RCD has assumed 50% in the budget.

Dixon RCD has looked at the local watershed for toxicity. Solano County has had three toxicity hits. The basic idea of the program is if toxicity is found the agency will not test each and every drain to identify one farm, because in most cases the toxicity is due to an aggregate effect. Instead the agency will draw a line of the sub-watershed and look at pesticide applications, farming rotations, etc. and work with the individual farmers to try and figure out best management practices and modifications to reduce input into the system and to reduce toxicity.

Participant Question: What if water a landowner pumps out of the toe drain is already toxic, will Dixon RCD stop that landowner from pumping out of the drain?

Answer: As an individual, the landowner would be responsible for any water that leaves their property. As a group, landowners won't be penalized if the water dilutes out by the time it reaches the monitoring point. Dixon RCD will look at the whole watershed, including source water, and not just one location in order to assess the aggregate effect.

Participant Question: What are the agencies going to do if the water is bad at the in source?

Answer: The agencies will look upstream and see where the problem lies and then look at best management practices in those upstream locations.

Participant Question: Can the agencies stop a landowner from flooding their property?

Answer: No.

Participant Question: What are the characteristics of a monitoring site?

Answer: Dixon RCD is still looking at that; however, a monitoring site is not likely to be a place that is small and prone to flash water events, but rather, a location that has more consistent water.

Participant Question: Would it make sense to sample at the entrance to the toe drain, because of the tidal influence?

Answer: Yes, Dixon RCD will be addressing this on a local basis to determine the appropriate influence at the site.

Participant Question: Are these locations anticipated to be permanent sampling locations?

Answer: The current understanding is these locations will be for two years, but if they are successful they could be used for 10 years.

Participant Question: When does the program start?

Answer: July 1st, 2004.

Wildlife Area and Management Plan Update Dave Feliz, Department of Fish and Game

The University of California at Davis will not be writing the management plan for the Wildlife Area recently acquired properties. Currently, the management plan will be going out to private consulting firms for bids to prepare the plan and associated California Environmental Quality Act document. Robin Kulakow, Dave Feliz and other staff members will be assembling some of the management plan in advance of any consultant support.

There have been a few changes in the Wildlife Area. Some of the rice income has been used to change the irrigation system near Interstate 80. Because of these changes, this was the first year that the rice fields in the northeast unit could be flooded early. The early water has brought in thousands of geese.

Participant Question: How many more acres have Department of Fish and Game (DFG) flooded?

Answer: Approximately 1,000 acres.

Participant Question: How many acres are open for hunting and how many acres are closed?

Answer: If there is approximately 1,000 acres of flooded rice, then approximately 500 acres of the flooded rice is open for hunting, which includes Green's Lake.

Participant Question: Can everything east of Green's Lake be hunted?

Answer: Yes.

DFG is not decreasing farming in the Wildlife Area but expanding land use. An additional 2,000 acres were opened for pheasant hunting and the free roam hunting capacity was expanded from 35 hunters to 75 hunters.

Participant Question: If it rains will the free roam area be open after pheasant season?

Answer: Yes.

This year the Yolo Wildlife Area has had about 2,200 hunters and is beginning to see more and more new hunters to the area. As of Thanksgiving, 587 pheasants were harvested which is up

from last year's 270 pheasants. Hunters are seeing the new land and getting a taste of what the future will bring, such as additional ponds in the fallow fields during the winter months.

Participant Question: Will the state freeze on contracting make it difficult to get a contractor for the management plan?

Answer: Possibly, however the money is dedicated, but we are not sure if the management plan will be impacted by the state spending freeze. Much of the work in the Wildlife Area is being funded by income from farming, because the budget has been severely cut.

Putah Creek Salmon Update and Fishing Restrictions Ted Sommer, Department of Water Resources

Every year a few salmon swim up Putah Creek. This year 20 salmon have been noted in Putah Creek, which is more than in the recent past. DFG and Department of Water Resources let Solano County know when salmon are in the toe drain so that the Putah Creek check dam can be opened to release pulse flows down the creek to try to attract salmon that are in the toe drain.

Participant Question: Are there any steelhead in Putah Creek?

Answer: There is not a verified report of steelhead trout in the creek; however they have been caught near the mouth of Putah Creek so it is possible.

The New Zealand Mud Snail has been found in Putah Creek. This snail is a serious invasive species that is causing severe problems in Montana by covering the gravel and mucking up the watershed. These snails can have density covers of 700,000 snails per square meter. They do not have any natural predators here in the United States. Fisherman are the main mode of transport for these snails, therefore, fishing is currently closed on Putah Creek. Other potential controls may include dewatering the section of Putah Creek where the snails have been found, and monitoring in the Bypass to check for movement down the creek.

Participant Question: Is there salmon spawning habitat between Lake Berryessa and Lake Solano.

Answer: Yes, however the Solano Diversion dam prohibits salmon from proceeding upstream.

Participant Question: Would the New Zealand Mud Snail affect salmon?

Answer: Yes, because these snails coat hard surfaces such as spawning gravels.

Participant Question: At the last Working Group meeting there was a presentation of the fishing weir in the Toe Drain. Can we have an update?

Answer: Yes. The weir has been constructed and it's up and running. DWR will start tagging fish to see if they can get through the weir. Where the weir has been built, the flows are low, but DWR is hoping for higher flows with the winter weather.

**Update on Sacramento Area Flood Control Agency Efforts (SAFCA)
Butch Hodgkins**

Congressman Doolittle and Congressman Matsui are in the process of getting project authorization to raise Folsom Dam. This is considered the last feasible project that will help with American River flows. This project is not slated to begin for a while.

The division of flood management at DWR came to SAFCA with a report on flood control systems management problems. The report recognized a need to remove sediment at Tisdale and Fremont weirs but indicated there are no funds to do so. This is important because if the State chooses not to fix the problems at Tisdale and Fremont weirs, the State could be liable for all damages that may occur from failure of the weirs. An example of this problem is the 1996 Lindon flood. The San Joaquin flood control system was deemed a management responsibility of the State of California. The State chose not to fix a deficient levee that they had received from the San Joaquin flood control agency in 1974. The decision to not fix the levee benefited the State of California, but not the residents of Lindon. Therefore, the decision resulted in the State paying \$400 million in 1996 dollars to the residents of Lindon for damages. The courts decision to have the state pay Lindon residents for damages could have a huge impact on management of the Sacramento flood control system.

Participant Question: Mr. Hodgkins, as an engineer do you think in the future SAFCA will want to get rid of everything that will impede the flow of flood waters to the ocean?

Answer: That is not likely. What is most probable is widening of the Bypass to allow larger flood flows. Current practices in the Bypass are not interfering with the conveyance of floodwaters.

If anyone in the Working Group is interested in getting a sense of what SACOG is doing in their "Blueprint" project please check out their website at :
<http://www.sacregionblueprint.org/sacregionblueprint/>

**Update on Valley-wide, Regional, and National Waterfowl Conditions and Trends
Fall/Winter 2003-2004**

**Mark Hennelly, California Waterfowl Association
Greg Green, Ducks Unlimited (DU)**

Mark Hennelly, CWA:

Spring rains this year helped with the nest densities in some areas of the state and overall there were more mallards returning to nest. Sacramento Valley densities were a slightly lower; however, on a regional basis as a whole the breeding populations were up. One of the best

indicators for this is the adult vs. immature ratio, which for this year was 2.5. This translates into a lot of young, naïve ducks.

The Wing B studies show that the Mallard and Pintail young to adult ratios were good. Green Wing Teal and Northern Shoveler were average or below average.

Many of the current waterfowl surveys indicate that waterfowl numbers overall are up. The Sacramento Valley is up to 2 million birds, which are twice as many birds as last year at this time. The Klamath region has only 500 thousand birds, but this may be due to the low water situation in that region.

There were a few problems this year, which may have contributed to the lower numbers of birds in the Bypass this fall. Flooding was delayed in some areas due to Mosquito Abatement Districts requesting no flood ups until November 1st because of West Nile Virus and the late rice harvest because of the late spring rains.

Participant Question: Is there any evidence that the birds flew by the Bypass looking for other areas because there was no habitat?

Answer: Currently there are no studies that have looked at that.

Lois Wolk is carrying Assembly Bill 1406 that would create better coordination between mosquito abatement districts and wetland landowners to alleviate the bottleneck and problems that were experienced this past fall.

Participant Question: What's in the bill that would avoid those problems?

Answer: The Central Valley Habitat Joint Venture is working on best management practices to control mosquitoes while creating good habitat for waterfowl. Once these management practices are developed and tested they could potentially be applied statewide. Work is being conducted to find funding to implement these practices, such as vegetation control measures, discing, water management control, and restoration projects. The bill is intended to increase coordination between landowners and agencies in order to improve the system and to act as guidelines.

Participant Question: Is there an area that can be flooded early so the geese will have a place to stay if they come through the Bypass early?

Answer: That is something that would need to be addressed regionally. Grasslands Water District begins flooding on August 1st.

Other factors that likely impacted the bird densities in the Bypass may include the lack of water at Klamath as well as very little cold weather moving through the system. Habitat conditions in the Klamath are declining. Until the water situation improves in the Klamath Basin, the waterfowl populations are likely to continue declining. In the 1970's there were anywhere between 7 to 8 million birds in the Klamath, now there are only about 1 million in the Klamath Basin.

Greg Green, DU:

Waterfowl have not moved down into the Bypass yet because the weather hasn't been bad enough yet. Once the cold fronts start moving through, it is likely the birds will start to move down the valley.

Participant Question: What is the reason for having refuges if they are no longer needed to keep the birds off the rice fields any longer?

Answers: Sanctuaries within the wildlife areas will help the hunters on that refuge by reducing the pressure on the birds and keeping them in the area. In addition there are other people with other uses.

Participant Question: The hunters pay for those refuges through fees etc, but bird watchers, hikers, and naturalists don't. Why not?.

For example, the Yolo Bypass Wildlife Area traditionally is not funded through hunter fees but from the environmental license plate program. This land was purchased from Proposition 12 money and the expansion came from the general fund.

Last year over 80% of the birds were on Mandeville Island, which is private property. Mandeville Island does not have a lot of hunting and includes closed zones. The birds have options throughout the valley and places such as Mandeville Island give the birds refuge, which is not funded by hunting fees.

Duck clubs need to adapt their property management practices to incorporate the changes that are occurring in the valley. Some changes could include ways to entice birds to their properties and reduce the pressure by adding closed zones within the property.

General Bypass Questions and Topics

Dave Ceppos

A subcommittee regarding the lower Bypass is needed. The Bureau of Reclamation has started moving on dispensation resolution for Prospect Island. If no other agency is interested in buying Prospect Island, then the property will go out to the open market. Friends of the Delta are generally talking about creating a non-profit conservancy that might take over Prospect Island and managing it as a non-governmental multiple use area.

If a subcommittee is put together the Working Group would be informed.

Participant Question: How does the Working Group stand with CALFED funding?

Answer: A request for an extension has been submitted for a least one more year and it is likely to be approved. In addition, the Ecosystem Restoration program is rumored to have another grant cycle in the spring, which could be another funding source. .

Participant: Agenda suggestion for the next Working Group meeting. Have DFG give a recap of the hunting season.

Dave Ceppos adjourned the meeting. Next meeting set for February 19, 2004.