

**YOLO BYPASS MANAGEMENT STRATEGY
STAKEHOLDERS WORKING GROUP MEETING NO. 4**

***DRAFT*
MEETING MINUTES**

MEETING DATE: February 10, 2000

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

IN ATTENDANCE: Randy Baxter, California Department of Fish and Game (DFG)
Robert Brown, Bull Sprig Outing Duck Club
Regina Cherovsky, PG & E Properties and Reclamation District 2035
Chuck Dudley, Joe Heidrick Enterprises
Denny Eickmeyer, L. G. Duck Club and Yolo Wings Group Rep.
David Feliz, DFG
Chris Fulster Jr., Glide-In Ranch
Bill Gaines, California Waterfowl Association (CWA)
Mike Hardesty, Reclamation District 2068
Tom Harvey, U.S. Fish and Wildlife Service (USFWS)
Phil Hogan, Natural Resources Conservation Service
Arline Jones, Lucky 5 Farms
Elmer Jones, Lucky 5 Farms
Yvonne LeMaitre, Glide Ranch Trustee
Bob Leonard, Yolo Basin Farms
Ken Martin, Rising Wings
Rick Martinez, Martinez Farming Co.
Duncan McCormack, Yolo Ranch
Duncan McCormack III, Yolo Ranch
Larry Minshall, Yolo Flyway Farms
Scott Morgan, W. T. Morgan Real Estate Co.
Dennis Murphy, Murphy Farms
Lynn Pryor, Yolo Links
Chris Rocco, DFG
Chad Santerre, CWA
Greg Schmid, Los Rios Farms
Ted Sommer, Department of Water Resources (DWR) and UC Davis (UCD)
Ray Thompson, Sky Rakers Duck Club
Ed Towne, Bull Sprig Outing Duck Club

Robin Kulakow, Yolo Basin Foundation (YBF)
Dave Ceppos, Jones & Stokes
Alice McKee, Jones & Stokes
Luke Rutten, Jones & Stokes
Warren Shaul, Jones & Stokes
Jennifer Stock, Jones & Stokes
Gus Yates, Jones & Stokes

NEXT MEETING: The next Working Group meeting will be held on March 9, from 10:30 a.m. to 1 p.m. at the DFG Yolo Wildlife Area Headquarters. Lunch will be provided. Members of the Working Group are asked to call Jennifer Stock at 916/739-3086 to confirm their attendance.

ACTION ITEMS

Information on the Water Bond, Proposition 13, will be sent with the meeting minutes.

DECISIONS MADE

1. The Working Group is strongly in favor of exploring a Memorandum of Agreement (MOA) between USFWS and Yolo County that would establish the Working Group as the guiding entity for decisions regarding land use issues in the proposed USFWS North Delta Wildlife Refuge (Refuge).
2. The group agreed that future meetings should be held from 10:30 a.m. to 1 p.m.

SUMMARY OF MEETING

Introduction

Ms. Kulakow opened the meeting, provided introductory comments, and distributed a handout from DFG summarizing hunting statistics at the Vic Fazio Yolo Wildlife Area (Wildlife Area).

Ms. Kulakow explained that she hoped to include an overview of the West Sacramento levee project at the next Working Group meeting and that a separate meeting will be held within the next few weeks to discuss duck club issues. She added that the duck club meeting would hopefully include a representative from the Butte Sink Waterfowl Association. She also added that DFG would get back to the group concerning the opening day of duck season.

Ms. Kulakow then asked the attendees to introduce themselves.

Mr. Jones stated his concern that the stakeholders were not able to express themselves more in the Working Group meetings. He added that he is concerned about the government acquiring land within the Yolo Bypass (Bypass) and limiting access to it. He stated that the stakeholders in the Bypass use the land for their livelihood and need water and good drainage to continue to operate effectively. He added that his concern is not for habitat but for growing food for people.

Mr. Jones also stated that he is concerned about proposals for changes to the Fremont Weir and is worried that changes to flows in the Toe Drain would cause increased flooding on his land. To help alleviate flooding problems in the Bypass, Mr. Jones suggested turning the Deep Water Ship Channel into another Sacramento River Bypass in order to convey water that currently is diverted into the Yolo Bypass. He believes that construction of dams and the Deep Water Ship Channel have

increased flooding in the Bypass. He specifically expressed concern over the effects of management of Shasta Dam on flooding in the Bypass.

Mr. Jones proposed the establishment of a drainage district along the Toe Drain and a water district in the north area of the Bypass.

Mr. Jones stated that farming is not a particularly profitable business; rather, it is a lifestyle that is important to him. He added that he has seen benefits to wildlife as a result of farming activities in the Bypass. He has observed how grazing around a pond on his property has kept weeds down and has seen a multitude of ducks on his pond.

Mr. Ceppos responded that the intent of the Working Group meetings is to provide a forum in which the stakeholders can express themselves.

Mr. Ceppos continued by stating that the purpose of the Working Group meetings was to provide brief updates on activities concerning the Bypass and to provide information about options for land use changes within the Bypass to the Working Group so they could make sound business decisions. He further explained that decisions made by the group will be included in the future Management Strategy and added that the Working Group forum is intended to be the voice of the stakeholders.

North Delta National Wildlife Refuge Update

Mr. Harvey gave an update on the Refuge. He stated that the comment period on the Environmental Assessment (EA) will close on February 22, 2000, but that USFWS is considering extending that period (the comment period has already been extended once, to 60 days). The decision on whether or not to extend the deadline will be made next week.

Note: USFWS has extended the comment period for the EA through March 23, 2000.

Mr. Harvey emphasized that no firm decisions had been made regarding the Refuge boundary, but that USFWS is looking at boundaries that maximize partnership opportunities and provide the most mutual benefits to landowners and USFWS.

Mr. Harvey added that he is currently working on drafting a mutual assurances document with entities such as Yolo County, and has been meeting with sporting groups to ensure the public use provided at the proposed Refuge would be beneficial and would not impose on private land uses. He added that he will meet with representatives of the gas companies next week.

Mr. Harvey stated that he is willing to meet with any individuals or groups interested in discussing the proposed Refuge. He said the meeting in Vacaville went well, and meetings with the Davis City Council and the City of West Sacramento were planned. He stressed that he wants to be responsive, and that he will tailor the Refuge boundary proposal to show that USFWS is sensitive to local concerns.

Mr. Gaines stated that CWA has been working with Mr. Harvey and USFWS for the last year on the Refuge project. He said that CWA represents the concerns of duck clubs but supports the creation of new habitat. However, while CWA recognizes the need for additional habitat in the region, they are proceeding cautiously on the issue of the proposed Refuge. He explained that CWA has the following concerns over the Refuge:

- # The majority of land within the Refuge boundary should remain in private ownership. CWA would like current agricultural land to remain in agriculture (possibly using habitat friendly practices) and current duck club lands to remain as duck clubs (hunted and managed as they are now).
- # The hunting public is concerned that a decrease in sanctuary land within the Refuge would decrease the quality of hunting in the region. If the quality of hunting is compromised, then duck club memberships will decrease.

Mr. Gaines explained that the Refuge proposal would need universal support to move forward, including that of landowners, duck club members and operators, local governments and agencies, and other local organizations. He stated he had met with Mr. Harvey and local government representatives to discuss the EA. The EA states that as much as 40% of the Refuge would be open to recreation (including hunting). However, this is based on federal policy that requires projects funded with duck stamp money include public access on 40-60% of the land. He explained that duck stamp money would not be used to help fund this Refuge, so the 40-60% limit does not apply in this case and added that USFWS recognizes this fact.

Mr. Gaines continued that many sanctuaries exist in the region and more are planned. He said that CWA is looking at the amount of sanctuary habitat in the surrounding area (for example, the Wildlife Area, Stone Lakes, Conaway Ranch) when evaluating the proposed Refuge.

Mr. Gaines also stated that CWA is looking into potentially developing an MOA regarding adaptive management to address the previously stated concerns. CWA will suggest the MOA in its comments on the EA and would like private duck club owners to support the MOA as well.

Mr. Thompson added that the City of Davis also has sanctuary land.

Mr. Fulster stated that the largest sanctuary in the region is the Cosumnes River Preserve. He added that the land in the Bypass is worth more for duck hunting than farming and landowners in the Bypass are very concerned about the government taking over their land, then closing it to hunting and fishing. He stated that the duck clubs are concerned that they will be put out of business by sanctuary land on the proposed Refuge. He added that the Wildlife Area was very expensive to construct and the cost to create new habitat would be less for private duck clubs than for the government.

Mr. Ceppos stated that it is unfortunate that planning for the proposed Refuge project began before the Management Strategy project because the goal of the Management Strategy project is to discuss options for land use changes, particularly options for creating habitat while keeping land in private ownership. Instead, the Working Group has to consider the proposed Refuge in its discussions.

However, he stated, the goal of the Management Strategy project, regardless if the Refuge is approved, is to organize the local stakeholders into a unified voice to guide and inform decisions by other entities.

Mr. Harvey stated that USFWS recognizes that most of the habitat in California is on private lands. He explained that this is the reason for easement and cost sharing programs and stressed that it is not the goal of USFWS to buy all the land within the proposed Refuge boundary. He said that USFWS is looking for opportunities to keep land in private ownership and to form partnerships with private landowners. He is hoping the proposed Refuge will provide mutual benefits to both private landowners and USFWS. As an example, he explained that water hyacinth was a problem at Stone Lakes, and USFWS was able to assist with securing grants to fund control of that invasive species. He hoped for similar mutual benefits as a result of the proposed Refuge project.

Mr. Harvey stressed that any partnerships or land acquisition undertaken by USFWS would be done only with willing participants, and willing sellers. He added that it would have been ideal had the Refuge planning process begun after the Management Strategy project. Then, the Refuge planning could have been guided by the Working Group's Management Strategy report.

Mr. Fulster stated that Stone Lakes is not open to hunting and this draws ducks away from the duck clubs. He is concerned that something similar not happen in the Bypass.

Mr. Harvey responded that USFWS would not acquire large parcels of land or create large habitat improvement areas that would not have interim public use. He added that only a small amount of the land at Stone Lakes is controlled by USFWS and that there is no access to the public land because it is surrounded by private land. He stated that USFWS is trying to find willing sellers and obtain support from Congress to acquire land that would provide access to the public land at Stone Lakes. USFWS would then open some of the area to hunting.

Mr. Fulster stated that public access must be provided to any future public lands in the Bypass. He expressed concern that public access might not be allowed to the proposed Refuge for many years while habitat and public access issues are studied. He stated that this was his interpretation of language in the EA. He would like public access to be developed concurrently with the Refuge.

Mr. Thompson asked for the exact acreage amounts within the Refuge that would be open to hunting. He added that he would not want public access roads near his private duck club. He is concerned about the poor planning he has seen at Stone Lakes and that it not be repeated in the Bypass. Mr. Thompson also stressed that the duck clubs have easements on their land that prevent them from farming and their land would be useless if hunting conditions are ruined by too much sanctuary being offered elsewhere in the Bypass.

Mr. Harvey explained that the current EA only evaluates a set of proposed boundaries for the proposed Refuge and additional EAs would be required if any other actions were to be taken on behalf of the proposed Refuge.

Mr. Thompson asked how local stakeholders can hold the government responsible for allowing hunting and other public access to the proposed Refuge because the EA allows a 15-year period before public access would be allowed on the proposed Refuge.

Mr. Harvey responded that USFWS is required to study public access issues before a final public access plan is determined. The National Wildlife Refuge Improvement Act states that USFWS must create Comprehensive Public Use plans for all of its refuges within the next 15 years. Therefore, a Comprehensive Public Use plan would be created for this proposed Refuge, but interim public use would be allowed while that plan is being developed. Mr. Harvey offered to clarify the issue further with Mr. Thompson after the meeting.

Mr. Leonard expressed concern that USFWS is asking for a “blank check”, asking the stakeholders to trust the government. He is worried that when the details of the proposed Refuge project are revealed, they will not be what the stakeholders want.

Mr. Fulster added that the stakeholders generally trust Mr. Harvey, but do not trust USFWS.

Mr. Harvey reiterated that any new actions taken toward establishing the Refuge would be proposed through a public comment process.

Mr. Leonard added that he was also concerned about the level of public access that would be allowed. For example, he would not want to see jet skis on the Toe Drain.

Mr. Ceppos stated that several organizations (such as CWA) have discussed creating an MOA for the Refuge, similar to the one developed for Grasslands. He and Ms. Kulakow have discussed the possibility of a Bypass-focused MOA that would provide formal recognition of the Working Group as the guiding group for all future land use design of the proposed Refuge, with Mr. Harvey and County Supervisor Dave Rosenberg. The Working Group would meet regularly to discuss proposals and issues related to the Refuge. He said that Mr. Rosenberg liked the idea and would bring it before the county supervisors.

Mr. Harvey stated that he wants to get feedback from the Working Group (i.e., people who have lived, farmed, and hunted in the area for years) on any future developments regarding the proposed Refuge.

Mr. Gaines stated that he supports the MOA idea because USFWS is asking for trust, and his past experience does not engender trust. The MOA would mean that management decisions would be made by the whole Working Group, so everyone would have equal input and USFWS could not simply make proposals and then impose their decisions on the Bypass.

Mr. Ceppos asked if the group felt the MOA was a good idea.

Mr. McCormack III stated that he was strongly in favor of it. The group generally concurred.

Ms. Cherovsky asked if the Management Strategy project was different from the proposed Refuge, in that it focused more on fish.

Mr. Ceppos responded that the Management Strategy was looking at the entire Bypass and would likely include proposals for fish habitat, but that the issues were largely the same. He explained the main issue for both projects was that areas proposed for habitat creation were currently private property. He said the issues involved include management of private land for habitat and willingness of private landowners to participate.

Ms. Kulakow added that discussion of issues pertaining to the proposed Refuge was just one function of the Working Group, and that many other issues would also be discussed.

Mr. Harvey stated that USFWS does not have a vision of the exact configuration of the proposed Refuge. He said the final program might include primarily private land with habitat easements.

Mr. Fulster expressed concern over Endangered Species Act (ESA) issues.

Mr. Harvey responded that USFWS does not intend to police adjacent landowners. He is hoping that landowners adjacent to the proposed Refuge will continue their current practices and felt a programmatic consultation under ESA might be possible to address agricultural practices as well as Refuge issues.

Mr. Ceppos stated that the assurances in the MOA could be very important in setting precedent throughout the Central Valley. He said this could provide an opportunity to force discussion of necessary Safe Harbor assurances for all agricultural land owners.

Ms. Cherovsky asked what the County's position is regarding the proposed Refuge.

Mr. Harvey responded that the County does not yet have an official position, and that Supervisors Dave Rosenberg and Tom Stallard had been assigned to focus on the proposed Refuge.

Mr. Ceppos stated that Mr. Rosenberg or Mr. Stallard could be invited to attend the next Working Group meeting.

Fish Habitat in the Bypass

Mr. Ceppos explained that several biological specialists would give presentations to the Working Group regarding possible habitat creation opportunities within the Bypass. He stressed that these specialists were at the meeting both to inform the Working Group of current proposals and to obtain feedback and input from the Working Group.

Mr. Sommer, a fisheries biologist from DWR and UCD, began by explaining that the suggestions he would present are based on his own opinions that have been formed through interpreting scientific data; they are not those of DWR. Besides working for DWR, he is currently a doctoral student at UCD, studying fish passage through the Bypass. He hoped to dispel any myths about proposed habitat restoration activities and to answer questions relating to fish in the Bypass. In its current state, the Bypass is a major nursery and migration corridor for many fish species, including splittail. The current Bypass, and current land use practices within it, provide very good habitat. Fish species

listed under state and federal ESAs, such as steelhead trout, splittail, winter and spring run salmon, and delta smelt, have been found to use the Bypass.

Delta smelt, Mr. Sommer stated, live in the San Francisco Bay estuary (Estuary), near pumps that export water for use in Southern California. Changes in pump operations, as a result of ESA issues (e.g., under the Bay-Delta Accord), been made to protect this species, and as a result, less water is now exported from the Estuary area.

He continued, explaining that in dry years, migrating fish, such as adult spring run salmon, are unable to cross the Fremont Weir, prohibiting them from entering and benefitting from the Bypass. He added that salmon use the Bypass as both a migrating corridor and major nursery for their young. Studies have shown that the approximately 40 species of fish using the Bypass have flourished in wet years. For example, the splittail's reproductive and growth rates have increased in the recent wet years, when they were able to spawn in inundated vegetation in the Bypass. Unlike the narrow Sacramento River, the flooded Bypass has a wide expanse of shallow, vegetated areas that provide higher quality food, habitat, and protected places where fish can rest. Although there is concern of fish being stranded when flood waters recede, studies have shown Yolo Bypass-reared fish to have a higher survival rate than similar aged juveniles found in Delta channels, and the threat of stranding is far outweighed by the benefits of excellent habitat to populations.

The Bypass is also an important corridor for transporting relatively high quality organic matter (e.g., crop stubble) downstream to the Estuary. The Bypass also slows the transport rates of water downstream allowing time for phytoplankton, an integral part of the aquatic food chain, to grow.

The dynamics of the Bypass' temporary floodplain have allowed native fish species to out-compete exotic species, by providing an ecosystem adequate for sustaining the needs of native species. Though the system is adequate, it could be further improved by increasing the connection of the Estuary to the floodplain within the Bypass. Hypothetically, this could be accomplished by creating a small area, which during dry years, could be flooded to accommodate habitat needs. An area of 300-1,000 acres would significantly increase the amount of habitat in dry years.

Mr. McCormack asked what the splittail is used for.

Mr. Sommer answered that they are moderately used as a sport fish but are currently listed as a threatened species. They are more commonly used as bait for other fish. He added that splittail was historically used as a commercial fish, though not currently.

Mr. McCormack then asked about the use of delta smelt.

Mr. Sommer responded that delta smelt have no direct economic value, but that the many restrictions placed upon the species under ESA result in significant economic effects (e.g., the aforementioned restriction on water being pumped from the Estuary) make it is the single most economically important fish in the region.

Mr. Fulster expressed concern about the loss of pheasant habitat when the Bypass floods. He added that hunters are more concerned with pheasants than splittail, and he did not think the Bypass had ever even been a fishery.

Mr. Sommer replied that the Bypass is the single most important fishery habitat in the Central Valley, even without any improvements to the current conditions, and that this fishery could be improved with some modest changes.

Mr. Fulster then expressed concern that changes might be proposed that benefit fish but could negatively affect people's economic viability. He then asked if any proposals to lower the Fremont Weir were being made.

Mr. Sommer answered that one option being considered is a small diversion in a small section of the Fremont Weir that would allow fish to pass over it. He added that there may be other options for minor modifications to the Fremont Weir, but that studies need to be made to determine the feasibility of any proposal. He stressed that the Bypass already contains valuable habitat, and he hoped to determine which options for increasing that habitat would result in either modest impositions, or no impositions (preferable) on landowners willing to participate (for which they would be compensated), while accomplishing the desired affect.

Mr. Fulster asked if any proposals being studied would increase flooding in the Bypass.

Mr. Sommer responded that the idea to put a small notch in a small portion of the Fremont Weir was intended to slightly increase the flow volume within the Toe Drain. The goal is for these flows to be contained within the Toe Drain and to be delivered to a small area (up to 1,000 acres) adjacent to the Toe Drain somewhere within the Bypass.

Ms. Cherovsky inquired where this flooded area would likely be located.

Mr. Thompson asked what time of year the site would be flooded.

Mr. Sommer answered that the site could be flooded from February through May, but stated that ideally it would be for a 4- 8-week period sometime during February and March.

Mr. Thompson said that this would not conflict with local agricultural practices, but that the stakeholders would want written guarantees that this is the only time when flooding would occur.

Mr. Schmid asked if flooding would be shallow (1-2 feet) or deep (levee to levee).

Mr. Sommer responded that one to two feet of water may be enough, but there is not yet enough information to determine the precise depths fish would prefer. Flooding would occur within a small, measurable area that would be less than or equal to 1,000 acres in size.

Mr. Fulster stated that since adjacent lands require permanent levees to protect them, he is concerned that flooding would require the removal of portions of the Toe Drain levee.

Mr. Sommer stressed that current flooding for migrating waterfowl has not required removal of portions of levees and that flooding for fish would be no different.

Ms. Cherovsky stated that this would not be a problem if the water was free-flowing and contained within its specified area, perhaps by levees that would surround the flooded site to protect adjacent lands. This statement was supported by other Working Group members.

Mr. Sommer continued that one idea would be to practice triple cropping on a parcel to be flooded. This means that farmers would flood rice fields in the fall for waterfowl, and would flood the fields again in the winter for fish, and would then plant rice in the spring and summer.

Mr. Fulster asked how fish would get back into the Toe Drain channel.

Mr. Sommer answered that the land has already been graded by farmers so that it will drain, so a complex wetland system would not need to be constructed.

Mr. Baxter added that the fish species that use the Bypass naturally know how to retreat from the floodplain when floodwaters recede. He reminded the group that the project area would be small scale, and that a large scale project is not feasible or desirable. The Working Group would be used to provide input and guidance for the design of the experimental project.

Ms. Cherovsky said that re-engineering the Fremont Weir scares people because of possible increased flooding of lands within the Bypass.

Mr. Fulster and Mr. Brown asked why the aquatic habitat provided at Little Holland and other lands in the Delta was not enough.

Mr. Baxter replied that he is looking for an area that can be seasonally flooded, since exotic species that compete with and prey upon native species need year-round water, while the native fish have adapted to seasonal flooding. A seasonally flooded area would greatly benefit native fish populations but would not allow exotic species populations to establish.

Mr. Sommer said that the splittail was listed after the 6-year drought. He explained that a small project area would be monitored for correlations between wet and dry years and species abundance.

Mr. McCormack stated that landowners are not going to flood their land just for fish, but there may be less opposition to flooding if they receive easements or other payments.

Mr. Thompson added that, presently, much of the land in the Bypass is already in a nesting program and that land in that program cannot be flooded during the specified times of year.

Mr. Rocco said that very large flows would be required to get water out of the Toe Drain. Also, he added that there are other listed species, such as the Swainson's hawk, that have different needs than fish that need to be addressed.

Mr. Sommer responded that much has been done to improve avian habitat and now improvements to aquatic habitat that do not negatively affect other species protected under ESA are being studied.

Mr. Rocco stated his concern over the possibility that created wetlands could increase the number of mitten crabs in the Bypass.

Mr. Fulster added that created wetlands could also increase mosquito populations.

Mr. Sommer agreed that these are valid concerns and these and other similar issues will need to be addressed.

Mr. Rocco inquired about the proposed change to the Sacramento Weir, that were introduced about a year and a half ago.

Mr. Sommer admitted that he knows nothing of this proposed change, but the Sacramento Weir could be looked at as a possible source of water for proposed fish habitat projects, though no proposals have yet been made.

Mr. Shaul explained that current studies of possible improvements to aquatic habitat in the Bypass are only for proposed, temporary fish habitat. He stated that an increase in seasonal habitat will not create a fishery in the Bypass; it would be intended to increase juvenile fish populations. He emphasized that the current studies strive to find practices that would mutually benefit landowners (for example, through early season irrigation, early germination of weed seeds, groundwater recharge) and fish species, but would not adversely affect current adjacent land uses. He also said that the study's team (primarily himself and Mr. Sommer) needs to get input from the Working Group to further develop ideas and drive decisions.

Mr. McCormack said that monetary opportunities would help convince landowners to support any proposals.

Mr. Rocco voiced his concern that an increase in ESA species will lead to the necessity of screening diversion pumps.

Mr. Sommer replied that the majority of the flooding would take place in winter when little pumping occurs.

Mr. Rocco responded that some pre-irrigation can occur in March.

Mr. Sommer said, in that case, a Safe Harbor agreement would need to be established.

Ms. Cherovsky asked where the water would come from.

Mr. Sommer answered that no water source has yet been determined, but that it would likely be environmental water that could be bought using money provided by the Central Valley Project Improvement Act to create the floodplain in dry years.

Mr. Shaul added that by changing the structure of the floodplain, the project would try to use existing water for flooding so that additional water would not be required.

Mr. Fulster said that it is ironic that in the last drought the farmers were paid not to flood until the late fall, and now they could be paid to flood earlier.

Mr. Sommer replied that not until the past few years have scientists begun to realize the importance of floodplains to aquatic species.

Mr. Shaul added that an experimental project would focus on not impairing agricultural or other land uses; land where flooding in February and March will provide mutual benefits would be preferred sites. The project also would not infringe on private property rights; any project developed would only be implemented on land of a willing participant. The project would also be designed to not affect flood conveyance. The project, if it occurs, would preferably be installed on land that is currently fallow or unmanaged and where flooding can be enhanced by minimal modifications to topography. Mr. Shaul stated the additional consideration that any proposed project location would have to be completely reversible (to original land conditions) with the reversal only having a modest cost. This area would be less than or equal to 1,000 acres, adjacent to the Toe Drain, and between the Fremont and Lisbon Weirs. He continued that alternative means of flooding would be examined. He then distributed a handout explaining the criteria for choosing a project site.

Mr. Fulster asked if the Lisbon Weir would be raised as part of the project. He expressed concern that flooding would result if the Weir is raised.

Mr. Shaul responded that he is not proposing the flooding of any land beyond the project area.

Mr. Brown pointed out that in dry years high tides will flood areas below the Lisbon Weir and that this is a tight system.

Mr. Jones was concerned about the cost to farmers, and possible loss of jobs if additional flooding occurs in the Bypass.

Mr. Fulster said that much of the land in the Bypass is already flooded under the Waterbank program, but that if they are paid, landowners may be willing to flood more.

Mr. Martin inquired about the reason for selecting the Lisbon Weir over the Fremont Weir.

Mr. Shaul answered that an area that will dry out in the summer is needed, and that water management will be easier without tidal influences.

Mr. Brown stated that it dries out south of the Lisbon Weir.

Mr. Fulster asked if any changes will be made to the Fremont Weir.

Mr. Shaul answered that no formal proposals or decisions have been made about the Fremont Weir and that he would prefer to use existing flows for the project, if possible. He added that, currently,

the only discussion is to put a notch or other system in a small portion of the Fremont Weir that will enable flows to be managed. He stated that any proposed changes to the Fremont Weir be studied for feasibility to ensure that they would not affect any lands in the Bypass, except proposed project sites.

Mr. Sommer said that he would prefer a gate on the Weir.

Mr. Ceppos reiterated that there has been no discussion to lower the entire Fremont Weir. He further emphasized that the only discussion he has heard was the one provided by Mr. Sommer and Mr. Shaul, which involves considering a small, manageable water delivery structure on a small portion of the Fremont Weir. This structure would deliver water into the Toe Drain and would not cause flooding on non-project lands in the Bypass. Mr. Ceppos asked if there were further questions on this issue from the group or if previous misconceptions were now clarified. The group generally concurred that the issue was now clear and understood.

Mr. Martinez stated that several years ago there had been a study of possibly increasing capacity over the Sacramento Weir, and that study might be getting confused with the Fremont Weir discussion. He said that this proposal was turned down.

Mr. Rocco asked about the present fish ladder at Fremont Weir and the water level required for it to be useful.

Mr. Sommer responded that it does not function well and that water level must be very high for it to work.

Mr. Fulster asked at what level it functions.

Mr. Sommer replied that it functions at 29 feet and there is no passage over the Weir in dry years.

Mr. Martin wondered if water quality concerns would dictate the project location.

Mr. Sommer answered that one concern is if the project site chosen is downstream from Cache Creek, mercury could be a problem.

Mr. Ceppos reminded the group that, although the stakeholders want specific answers to their questions about proposed projects, the people discussing these proposed projects are coming to the Working Group to get ideas and suggestions about how to design the projects; the projects are still being defined. The project proponents recognize that the members of the Working Group have a lifestyle that they like, and that project proponents need the Working Group's input to guide the formation of any future habitat ideas. They want to make changes that will be approved by and will benefit the stakeholders. Therefore, not all questions can be answered at this time, because not all details have been worked out. Mr. Ceppos stressed that this is a good thing, because it gives the Working Group the opportunity to guide and shape the projects.

Mr. Ceppos said that the purpose of these meetings is to bring this type of information to the Working Group so that projects aren't developed without their input.

Conclusion

Mr. Rutten and Mr. Yates' presentation on hydrology within the Bypass was postponed until the next meeting.

Mr. Ceppos stated that information on the Water Bond, Proposition 13, will be sent with the meeting minutes.

The group agreed that future meetings should be held from 10:30 a.m. to 1 p.m. Accordingly, the next Working Group meeting will be held March 9, 2000 from 10:30 a.m. until 1 p.m.

The meeting was adjourned.