

**YOLO BYPASS MANAGEMENT STRATEGY  
STAKEHOLDERS WORKING GROUP MEETING NO. 8**

***DRAFT*  
MEETING MINUTES**

**MEETING DATE:** June 29, 2000

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

**IN ATTENDANCE:** Bob Brown, Bull Sprig Outing Duck Club  
Walt Cheechov, United States Department of Agriculture (USDA)  
Natural Resources Conservation Service (NRCS)  
Cheryl Chipman, Yolo Basin Foundation  
Cliff DeTar, Little Hastings Tract  
Chuck Dudley, Joe Heidrick Enterprises  
Mike Egan, Yolo Flyway Farms  
Dave Feliz, Department of Fish and Game (DFG)  
Chris Fulster, Jr., Glide-In Ranch  
Bob Gill, Gill Land & Farming  
Dick Goodell, Glide-In Ranch  
Richard Hadley, U.S. Fish & Wildlife Service  
Bill Harrell, Department of Water Resources (DWR)  
Mark Hennelly, California Waterfowl Association  
Phil Hogan, USDA NRCS  
Arline Jones, Lucky 5 Farms  
Elmer Jones, Lucky 5 Farms  
Ken Martin, Rising Wings  
Rick Martinez, Martinez Farming Company  
Duncan McCormack II, Yolo Ranch  
Duncan McCormack III, Yolo Ranch  
Gary S. Moody, Yolo Wings  
Scott Morgan, W. T. Morgan Real Estate Company  
David Morrison, Yolo County Planning Department  
Dennis Murphy, Murphy Farms  
Patricia Perkins, DFG  
Ricardo Pineda, State Reclamation Board (Reclamation Board)

Larry Plumb, USDA Farm Service Agency (FSA)  
Lynn L. Pryor, Yolo Links  
Greg Schmid, Los Rios Farms  
Ted Sommer, DWR  
Ron Tadlock, Ron Tadlock Farms  
Ray Thompson, Sky Rakers Club  
Ed Towne, Bull Sprig Outing Duck Club  
James C. Waller, Senator Outing  
Will Wylie, H Pond Ranch  
Robin Kulakow, Yolo Basin Foundation  
Ted Beedy, Jones & Stokes  
Dave Ceppos, Jones & Stokes  
Susan Imboden, Jones & Stokes  
Jennifer Stock, Jones & Stokes

**NEXT MEETING:**      **The next Working Group meeting will be held on August 17, 2000, 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 attendance.**

## **ACTION ITEMS**

1. Jones & Stokes will make copies of the USDA Farm Service Agency hand out entitled Conservation Reserve Enhancement Program and the Sacramento Valley Pilot Program (see attached).
2. Larry Plumb of the USDA FSA agreed to further clarify the inclusion of wildlife food plots in CREP. Jones & Stokes will report this information at the next Working Group meeting.
3. Jones & Stokes will contact the appropriate specialists to speak at the next meeting on the impacts of riparian habitat on duck club viability.
4. Jones & Stokes will contact representatives from the U.S. Army Corps of Engineers (Corps) and the Port of Sacramento to speak about the history and future of the west ship channel levee and associated implications for the Bypass.

## **DECISIONS MADE**

1. The Working Group decided to form committees for chapter-specific review of the Management Strategy. These committees will be formed at the next meeting.

## **SUMMARY OF MEETING**

### **Introduction**

Mr. Ceppos began the meeting by welcoming the group. He reviewed the agenda and asked for changes or additions; there were none. He also asked for changes or additions to the May 12, 2000 meeting minutes; there were none. The May meeting minutes were then adopted as final.

Mr. Ceppos asked the attendees to introduce themselves and then introduced Larry Plumb of the USDA FSA, who provided an update on the Conservation Reserve Enhancement Program (CREP).

## Conservation Reserve Enhancement Program

Mr. Plumb explained that the USDA FSA is considering approval of a pilot project to determine whether CREP will be a viable program. The project would provide for habitat enhancement on a total of 10,000 acres across nine counties (Yolo, Solano, Butte, Sutter, Yuba, Placer, Sacramento, Glenn, and Colusa), focusing primarily on upland habitat restoration on irrigated farmland. After final approval (targeted for September 1, 2000), landowners would be able to begin signing up for the program, which would receive 20% matching funds from the state.

Currently, the USDA is working on an applicant ranking system to rate suitability to participate in the project, which would provide for a rental rate of \$160 per acre for rice ground, with all other land renting for \$100 per acre. The term of the rental agreement would be 10 years, after which time landowners could do what they wanted with the land.

Mr. Pineda asked if grading would be done to establish habitat. He also asked who would be developing the land.

Mr. Plumb said that grading could be done, but that the FSA would like to find areas, such as marginal irrigated land, that could easily be converted. He stated that the NRCS would be the main resource for landowners for assistance with program application submissions. NRCS would also implement the actual restoration.

Mr. Thompson asked whether hunting would be allowed on land in the project and whether duck club land would be eligible.

Mr. Plumb responded that hunting would be permitted on refuge land, but that only duck club land with a "planting" history (planted for 2 of the last 5 years) would qualify for the program.

Mr. Martinez asked what would happen if the program holder died and the land was optioned to leave the program before the 10-year participation period had ended.

Mr. Plumb responded that, unless the new owner wanted to participate in the program, the deceased party's estate would most likely have to refund some portion of the money that had been paid as part of the easement.

Mr. Schmid asked whether limited grazing would be used to manage the grassland.

Mr. Plumb said that USDA Headquarters in Washington, D.C. is currently against the use of grazing to manage grasslands. However, the FSA is trying to convince policy makers that grazing, when not abused, may be an effective means of weed control.

Mr. Beedy asked whether specific types of upland habitat had been decided upon.

Mr. Plumb said that although the restoration would be primarily of upland habitat, the FSA is trying to pull together CREP and the Conservation Reserve Program (CRP) (which focuses mainly on wetland habitats) to benefit both habitat types.

Mr. Cheechov stated that a lot of Class 3 and 4 lands could support grassland and shallow ponds for pheasants and waterfowl game birds (in upland areas). Farmers could then sell rights for hunting or could use tailwater ponds to collect runoff.

Mr. Fulster suggested that land could be taken out of production temporarily and farmers could be given an incentive to plant crops to provide food for waterfowl.

Mr. Plumb responded that the philosophy of the program advocates creating habitat in agricultural areas where the land is marginal and therefore either is not normally used for production or has marginal productivity.

Mr. Fulster said that if landowners got \$100 per acre of corn, they wouldn't have to disk and could rent the planted land out to a duck club.

Mr. DeTar asked why rice is considered a premium crop compared to other crops that could be planted.

Mr. Plumb responded that upland habitat containing rice crops provides optimal benefits for wildlife

Mr. Hogan asked if FSA has considered incorporating food plots into the program.

Mr. Cheechov suggested that applicants should be rated higher for poorer quality land in the program, so they would have a chance to keep this land in the program.

Mr. Fulster commented that Sacramento and Yolo Counties already have a lot of wetland habitat and more is being created. Creation of additional wetland habitat would significantly increase the amount of water and habitat in the Bypass. He questioned the impact such extensive habitat development would have on duck clubs and their land/capital investment worth. Also, he suggested the program should pay farmers for planting land, not fallowing it, because they are the most important land users in the Bypass, adding, "If you take farming away, what do you have"?

Mr. Ceppos reminded the group that CREP is mainly focused on upland habitat and brood ponds.

Mark Hennelly noted that the program looks great and that it should increase the number of species for hunting.

Mr. Ceppos asked Mr. Plumb where people should call for more information about the program.

Mr. Plumb replied that he would be the first to know about updates, so people should call him at (530) 792-5534.

### **Riparian Revegetation along the East Levee of the Tule Canal/Toe Drain**

Mr. Ceppos introduced the next topic for discussion: expanded riparian vegetation along the Tule Canal/Toe Drain. He explained that at several Working Group meetings, the group has discussed different types of potential habitat enhancement in the Bypass and the impacts of these potential changes to existing economic and flow conveyance conditions. He further referenced previous discussions where the group has heard from different people about opportunities that exist in the Bypass for expansion of riparian habitat. He asked that the landowners again provide their thoughts and ideas on this new topic.

Mr. Ceppos asked whether levee stability could be improved by planting more trees that could potentially minimize wave fetch against the levee and also create expanded habitat.

Mr. Pineda explained that a unique aspect of the Bypass is that a portion of its flow conveyance capacity was minimized by the construction of the ship channel and its adjacent western levee. He explained that the state and federal flood control project (FCP) levee is actually the east levee of the ship channel. He stated that the Bypass needs to maintain its size and capacity for adequate flood control and addressed the question of what the impacts of planting trees near and adjacent to the levee would be. First, trees along the levee could break up wave energy that creates erosion. In addition, they would likely attract birds (including Swainson's hawks) looking for nesting areas. The presence of Swainson's hawks could potentially increase levee maintenance costs, in that maintenance work could be limited by the nesting activities of this special status species.

Mr. Ceppos asked what could be done to mitigate the impacts of vegetation planting and accommodate changes in flow capacity.

General discussion ensued regarding changes that could be made in other parts of the Bypass that could help to accommodate increased vegetation along the Tule Drain/Toe Canal. Specifically, ideas such as removal or reduction of the existing railroad embankments, removal of small transverse levees, and other such changes were discussed. Other possible mitigations for this impact would be reducing vegetative roughness in other parts of the Bypass and/or raising the levee. Mr. Pineda said that the group may be able to work with the Corps to create models that show changes in water surface that might occur from changes in vegetation.

Several Working Group members raised another potential impact of planting trees along the levee: increased siltation. They discussed the possibility that a decrease in water velocity caused by increased vegetation along the levee could cause more silt to deposit in and near the canal.

Mr. Jones asked whether the west levee of the ship channel could be removed, since it doesn't really protect anything.

Mrs. Ceppos responded that the levee is probably needed to avoid the need for dredging of the ship channel. He asked whether the group would like to request a Corps representative to answer questions regarding the history and maintenance of the levee and other related issues.

Mr. Jones noted that he doesn't think the Tule Canal/Toe Drain or the ship channel have been dredged and wondered how big of a problem sediment deposition really is in the south Bypass.

Mr. Pineda responded that the levee isn't needed for flood control, but may be needed for navigation. He also noted that moving the levee could cost up to 1 million dollars per mile. He believes that ship channel maintenance is managed by the Port of Sacramento.

Mr. Martinez added that if it is true that the west ship channel levee decreased the capacity of the Bypass, perhaps this decrease should have a bearing on the existing flowage easements held by the Reclamation Board. He further stated that he does not believe these easements were adjusted to address increased flow duration and depth after the west ship channel levee was built, even though flooding conditions were likely changes after the levee was constructed.

Mr. Martin suggested locating it more eastward and Mr. Pineda responded that moving the levee would be too costly and not practical for ship channel functions.

Mr. Waller questioned whether it is a good idea to plant trees if the group wants to see the levee washed out.

Mr. Ceppos noted that the previous discussion indicates an obvious interest by the Working Group in the history and future of the levee. He committed to trying to get a Corps representative to attend the next meeting to continue this discussion. He recommitted to the Working Group that any land use and habitat development changes would be upon the willingness and agreement of the landowners. He then introduced Ted Beedy, senior wildlife specialist with Jones & Stokes.

Mr. Beedy stated that the original concept plan for the Bypass included planting a lot of willows and cottonwoods but that DWR and the Corps rejected this plan because it would reduce capacity. The thinking of the planners was more along the lines of strips of vegetation rather than chunks of habitat area. He noted (as previously discussed) that another option would be replacing the railroad embankment with trestles to increase capacity because the embankment is the greatest point of constriction and potentially raises water elevation in the Bypass. He added that since the restriction occurs at the railroad embankment, planting trees along the south levee wouldn't potentially affect water flow and elevation. He noted that a riparian forest along the Tule Canal/Toe Drain (adjacent to the levee) would greatly benefit wildlife, but that the Corps would need Safe Harbor agreements in case threatened and endangered species appeared in the new habitat.

Mr. Thompson asked whether anyone has the authority to alter the railroad embankment and Mr. Beedy responded that he didn't know.

Mr. Beedy discussed the issue of tree survival in flooded areas, noting recent research by Jones & Stokes that indicates that trees at Lake Isabella can survive as many as 4 years of deep flooding and 60-90 days of flooding with crown coverage. He added that, historically (according to late 1800s - early 1900s maps), the Bypass was tidally influenced and that a huge marsh extended from approximately Interstate 80 (I-80) to the Suisun Marsh.

Mr. Jones noted that in the 1940s, much of the area was covered by tules. He asked what the potential height of the new trees would be.

Mr. Ceppos responded that the 1995 Yolo Bypass Habitat Suitability Analysis (suitability analysis) could provide information about this, as it is probably the most complete document that shows what the area was like historically. He stated that he would get follow-up data on this.

Mr. Thompson asked if the data would be current and include railroad improvements.

Neither Mr. Ceppos nor Mr. Pineda knew the answer. Mr. Ceppos noted that there are currently three openings in the railroad embankment.

Mr. Tadlock stated that he thinks the railroad made recent revisions to the trestle, including removal of some embankment.

A general question was asked by members of the group regarding what the Bypass looked like before the levees were built.

Ms. Kulakow stated that she has a set of photos of the area south of Putah Creek taken for construction of the ship channel, but that they mainly show ranching lands.

Mr. Ceppos stated that flowage easements were put in place a long time ago and that the historic record is fairly limited with regard to what was there prior to the FCP construction. He again referenced the suitability analysis.

Mr. Beedy added that farmers probably created early levees by mounding earth, but these were not up to Corps standards. He asked if anyone present had serious concerns about planting trees near the levee.

Mr. Fulster responded that the riparian forest would likely create a predator problem, adding that trappers used to trap hawks in the area because they prey on ducklings.

Mr. Jones concurred, stating that many predators are already eating the ducklings.

Mr. Beedy noted that this predation is an existing condition.

Mr. Thompson stated that, since summer waters have been present, beavers and otters have been eating his crops. He doesn't want more water coming on his land.

Mr. Ceppos acknowledged that an increase in the presence of predators affecting landowners could result from establishing a riparian forest and asked that the discussion be continued at another time. He suggested that the Management Strategy state the both the problem and the assurances the landowners need with regard to this issue.

Mr. Thompson asked about the possible establishment of a formerly proposed bike path between the channel and the Toe Drain, noting that a bike path would increase the trespassing problem on private property and encourage vandalism. He also noted that the presence of people could affect nesting activities of waterfowl and game birds.

Mr. Fulster added that cyclists and hunters don't get along and that the bike path, if built, should be moved to another location.

Ms. Kulakow suggested that the group get someone from the Corps to come speak about the bike path, adding that she thinks the idea has fallen through.

### **Draft Management Strategy**

Mr. Ceppos introduced Revision 1 of the Management Strategy, along with a handout listing issues raised thus far. He explained the sequence of preparation of a final document, noting the goal of having it completed by late fall. He further recommended that the group set up committees to review specific sections of the document and suggested that it would be possible for individual members to elect to sit on more than one review committee.

Mr. Martin asked whether there is a mechanism in place through which to get federal money to implement recommendations from the Management Strategy. He also suggested it include a section about future implementation of recommendations.

Mr. Ceppos added that an implementation program could be a good part of the document and that the group needs to think about including it.

Mr. Cheechov suggested that Working Group members consider all recommendations with the assumption that future funding will not be available. This, he believed, would be a more realistic approach and would set up more realistic expectations on the part of Working Group members regarding what will be done in the Bypass in the future.

Ms. Kulakow commented that a lot of agencies will be interested in reading the Yolo Bypass Management Strategy, which could help to start the process of acquiring additional funding.

Mr. Cheechov noted that the water bank program doesn't exist anymore and that he would like to be kept up to date on changes in programs and new programs, as they may not include landowner benefits provided by old programs.

Mr. Ceppos stated that he would ask Gus Yates and Luke Rutten of Jones & Stokes to attend the next meeting to provide an update on field investigations of the low-flow hydrology of Putah and Cache Creeks and the Ridge Cut Canal. He said they would also report on the field interviews they conducted with some of the Working Group members. He then introduced Richard Hadley of the U.S. Fish and Wildlife Service (USFWS) to provide an update on the proposed North Delta National Wildlife Refuge (refuge).

### **Proposed North Delta National Wildlife Refuge**

Mr. Hadley has been the lead planner working on the Environmental Assessment for the proposed refuge for about a year. His intent is to speak with the Working Group to become better informed about their issues and to better integrate their needs into future ideas about the proposed refuge. According to Mr. Hadley, the refuge process has slowed down, and he and Mr. Tom Harvey of USFWS would like to participate as members of the Working Group in order to get advice about what USFWS can do better and what objections non-supporters of the refuge have. He further explained that USFWS wants to participate in the discussions as a stakeholder, in order to arrive at a landowner-based decision about whether the refuge is a good idea, noting that the project may not be feasible if the landowners don't want it.

He added that Mike Spears, manager of the California/Nevada Operations Office of USFWS, also is currently talking with the Yolo County supervisors about various issues. In addition, the Corps and the Reclamation Board are in preliminary discussions regarding what type of hydraulic modeling needs to occur in order to get the best information, which is necessary for determining the size, etc. of the proposed refuge.

Mr. Fulster responded that most of the people present at the meeting are conservationists, not environmentalists. He advised that USFWS shouldn't listen to the environmentalists, as they don't care what happens to the farmers.

Mr. Thompson commented that if USFWS had a more specific plan, the landowners would feel better. For example, the landowners want to know how much area would be flooded, how many hunters would be allowed, and where the access roads would be.

Mr. Hadley commented that some areas of discussion can have pretty quick agreement. He added that the plan is still fairly conceptual and that there is a need to acquire information from landowners in order to make a more specific plan.

Mr. Ceppos added that resolution of some issues may have negative and positive impacts, as in the case of issues that affect duck club owners and farmers in different ways.

Mr. Martinez inquired about USFWS's time line.

Mr. Hadley responded that they would like to continue working with the Working Group in order to get the job done correctly and said that there is not a strict time line.

Mr. Ceppos stated that funding for modeling may be available in the future from various sources and that modeling would be a topic of discussion at upcoming Working Group meetings. He advised that the group continue to develop the Management Strategy and bring in speakers to discuss different modeling options, so the Working Group can have input regarding what type of modeling should be done.

Mr. Fulster asked if USFWS would allow some hunting in the refuge. He stated that they should have to open 40% of the refuge for hunting.

Mr. Hadley responded that the 1997 Refuge Act requires USFWS to keep some refuge land open for hunting. He explained that if the land for the proposed refuge were purchased with duck stamp money, USFWS would be required to open 40% of it to hunting. Since the purchase wouldn't be made with duck stamp money, USFWS would make a determination of the appropriate level of land to be opened for hunting based on existing hunting allowances in other refuge areas. The study for this determination would involve the Working Group, Ducks Unlimited, and the California Waterfowl Association. Based on the study, the land opened for hunting could be more or less than 40%; but he anticipates it would be 40% or more of the total refuge area.

Mr. Fulster commented that USFWS can purchase land for less than market value and that their actions in other parts of California have resulted in lowering adjacent land values.

Mr. Hadley responded that USFWS would work with the landowners to ensure fair compensation and protection of land values.

Mr. Martinez asked who would pay for the additional time spent by Jones & Stokes on this project.

Mr. Ceppos responded that a lot of money from the Management Strategy budget has already been spent dealing with refuge issues. He said USFWS has already helped augment the budget to an extent, and added that it is hoped they will continue to do so.

Ms. Kulakow noted that the Yolo Basin Foundation (YBF) will work up a budget for continued Working Group efforts and will seek funding sources for this work. This has not yet been done.

Mr. Hadley said that USFWS would discuss how much more meeting time and budget will be needed.

### **Conclusion**

Mr. Ceppos said that YBF and Jones & Stokes will continue their efforts on the Management Strategy report. He added that the Working Group will receive updated drafts throughout the document writing process. The group will be broken down into subcommittees to focus on particular sections of the document to ensure that the report reflects the opinions, concerns, and interests of the landowners.

He continued that the hydrologists' water management field visit findings will be reported to the Working Group and that he would try to get a Corp representative to discuss the west ship channel levee at the next meeting.

The next meeting was set for Thursday, August 17, 2000, from 10:30 a.m. to 1 p.m. at the DFG Yolo Wildlife Area Headquarters.

The meeting was adjourned.