

**YOLO BYPASS MANAGEMENT STRATEGY
STAKEHOLDERS WORKING GROUP MEETING NO. 1**

DRAFT
Meeting Minutes

MEETING DATE: November 16, 1999

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

IN ATTENDANCE: Regina Cherovsky, PG&E Properties
Chuck Dudley, Joe Heidrick Enterprises
David Feliz, Department of Fish and Game (DFG)
Rick Kirkwood, City Manager, City of Woodland
Yvonne LeMaitre, Trustee, Glide Foundation
Rick Martinez, Martinez Farming Company
Duncan McCormack II, Landowner
Duncan McCormack III, Landowner
Greg Schmid, Los Rios Farms
Gary Wegener, Public Works Director, City of Woodland
Robin Kulakow, Yolo Basin Foundation (YBF)
Marcie Howe, YBF
Dave Ceppos, Jones & Stokes
Alice McKee, Jones & Stokes

NEXT MEETING: **The next Working Group meeting will be held on *Thursday, December 16, from 11 a.m. to 1 p.m.* at the California Department of Fish and Game Yolo Wildlife Area Headquarters. Lunch will be provided. Members of the Working Group are asked to call Jennifer Stock of Jones & Stokes at 916/737-3000 to confirm their attendance.**

ACTION ITEMS

1. Jones & Stokes will gather more information on proposed regional flood control improvement projects and their expected effects on the depths and durations of flooding in the Bypass.
2. Jones & Stokes will investigate the intentions of regional flood control agencies regarding increased flooding in the Bypass.
3. Jones & Stokes will send copies of the CALFED Bay-Delta Program's Ecosystem Restoration Program Plan (ERPP) Strategic Plan for Restoration to the Working Group.
4. Jones & Stokes will send copies of the assurances section of the CALFED Multi-Species Conservation Strategy to the Working Group.
5. Jones & Stokes will send copies of the Fish and Wildlife Service (USFWS) document outlining USFWS's Final Policy and Rules regarding Safe Harbor and Candidate Conservation Agreements to the Working Group.

DECISIONS REACHED

1. The Working Group agreed to continue to participate in the project.
2. The Working Group agreed to meet again in December. The meeting will be held on December 16, from 11 a.m. to 1 p.m. at the California Department of Fish and Game Yolo Wildlife Area Headquarters.

SUMMARY OF MEETING

Introduction

Mr. Ceppos began the meeting, provided introductory comments, and asked the attendees to introduce themselves. He then reviewed the agenda and introduced Ms. Kulakow.

Project Description and Purpose

Ms. Kulakow thanked the Working Group for their time and participation in the meeting. She explained that the purpose of the project is to assist local stakeholders (particularly landowners,

farmers, and water users) in developing a vision for the future of land uses in the Bypass. She stated that she was concerned about projects proposed by other groups that tend to look at the Bypass as a “blank slate” for habitat restoration. YBF believes that local stakeholders are the most logical participants to create a strategy for the Bypass, based on their knowledge of the best use of the land. She explained that this project began when YBF received a CALFED grant to create a strategy for habitat restoration in the Bypass. YBF has expanded the purpose of this grant to create a locally based land management strategy for the Bypass, including a variety of land uses such as agriculture, habitat-friendly farming, and habitat restoration, rather than habitat restoration alone. YBF wants to give local stakeholders the opportunity to create a framework for future projects, to indicate which projects, if any, would be feasible and acceptable to them, and to outline the assurances and conditions that would be required for local stakeholders to support proposed projects. Ms. Kulakow explained that YBF hired Jones & Stokes to facilitate the project process and to provide technical expertise.

Mr. Ceppos added that there are many interests with different ideas for the best land uses (e.g., agriculture, flood control, and habitat restoration) in the Bypass, and that these interests sometimes conflict. He asked the group to refer to the Information Sheet in the Working Group binder, and to read the section that stated that the project’s intent is to “develop a long-term strategy for managing fish and wildlife habitat while maintaining agricultural and economical viability and flood control in the Bypass.”

Mr. Ceppos added that this project is not intended to defend CALFED, and that it would in fact be quite different from most of the CALFED projects that are underway. He read a portion of the Family Water Alliance’s (FWA’s) October 1999 Green Ribbon Report, which stated that CALFED’s watershed approach

encompasses not only a huge expanse of land, but families and communities as well. Prior to moving forward with such CALFED laboratories, all citizens within the watershed need to be aware of the proposed watershed declaration, and be involved from the ground up since implementation will be in their backyard. No new agencies or authorities need to be developed to assist in watershed management. Local county government in conjunction with landowners are the best suited to act as their own watershed steering committees . . . This process must not be a top down approach. Agencies and environmentalists without a real understanding of local land use policies and practices often develop and recommend solutions that are not realistic. Assuring that the process is landowner-based will provide realistic solutions to environmental issues (Green Ribbon Report, p.5).

Mr. Ceppos stated that the approach called for in the above text describes exactly the initial vision for the Yolo Bypass project: to assist and encourage local stakeholders in developing a strategy for the area they are familiar with. He stated that this is the only CALFED project to his knowledge where local stakeholders have the opportunity to produce a CALFED product and to send a direct message to CALFED and others about their vision, their concerns, and their need for assurances. This process is intended to give local stakeholders a voice. He stated that today’s meeting is intended to see if this group of stakeholders is interested in participating in this unique project.

Mr. Ceppos explained that YBF is proposing to form a Working Group of local stakeholders that will guide the project. He added that the Working Group meetings will give the local stakeholders an inside look at CALFED and CALFED's proposals and decisions. He promised to share the knowledge he has of CALFED at the Working Group meetings.

Project Process

Mr. Ceppos explained that the project team (YBF and Jones & Stokes) has met individually with local stakeholders, including landowners, farmers, water users, Yolo county supervisors, and Congressman Doug Ose's office, to introduce the project. Meetings with the Reclamation Board and the U.S. Army Corps of Engineers (USACE) are forthcoming.

Mr. Ceppos proposed that the Working Group meet every four to six weeks over the next few months. These meetings will be intended as a forum for stakeholders to air their concerns and state their interests in the project. He also explained that the project team would use the meetings to provide tools to help the Working Group make future business decisions, such as inviting representatives of funding agencies to explain easement options, and bringing biological specialists to address the group. He expressed his initial hope that the final project document would only include proposals that the Working Group thinks are reasonable and feasible, and that involve willing landowners. He emphasized that if, at the end of the process, the Working Group does not want to make any proposals for land use changes in the Bypass, then that is what the final project document will say.

Mr. Ceppos explained that the project will continue for approximately six more months.

Working Group Questions and Input

Ms. LeMaitre stated her concern that the project is funded through CALFED. She believes that CALFED is very arrogant and will bulldoze local stakeholders to do what it wants. She is concerned that CALFED will legislate changes that the landowners will not want. She asked if Jones & Stokes could bring additional information regarding CALFED to the group.

Mr. Ceppos responded that he will convey any information regarding CALFED that he can to the Working Group. He stated that the project team does not want to demonize CALFED, and that this project process will give the Working Group the opportunity to state their concerns to CALFED and to shape CALFED's vision for the Bypass based on what local stakeholders think is acceptable.

Ms. LeMaitre added that the public needs to understand where its food and fiber come from, and that farmers love wildlife. She stated that she is concerned that the public does not understand the business concerns of farming and has more votes than the farmers do.

Mr. Ceppos responded that there are people who would like to see the entire Bypass as habitat, but that this is not YBF's vision. He stated that the project team has developed the vision, based on meetings with stakeholders, of a mosaic of land uses in the Bypass, maintaining much land in agriculture, expanding on the habitat that already exists (including the duck clubs and habitat friendly agricultural practices), and creating additional habitat as appropriate. He recognized that the landowners are afraid that if they give a little, the government might keep wanting more.

Mr. Martinez stated that future regional flood control improvements that would affect the Bypass are being planned, and asked whether proposed improvements were known. He said that he had heard that flood water is expected to be deeper in the southern portion of the Bypass because of increases in levee heights along the American River, and asked if the Working Group could get more information regarding flood depths and durations.

Mr. Ceppos responded that Jones & Stokes would gather more information on proposed regional flood control improvement projects and their expected effects on the depths and durations of flooding in the Bypass. He said that Jones & Stokes could speak with the Sacramento Area Flood Control Agency (SAFCA) and the State Reclamation Board, as well as with Sutter and Yuba counties, if budget allows. He added that the project team would invite representatives of these agencies to speak to the Working Group. He said that to really understand changes in hydrology in the Bypass, hydraulic analyses would need to be conducted. He explained that this project does not have adequate budget for such an analysis, but that an analysis, based on increased roughness, has been conducted for the proposed USFWS North Delta Refuge.

Mr. Ceppos asked if the group felt that flood frequency and duration have increased in recent years.

Mr. Dudley responded that flood durations have been longer because of the management of reservoirs upstream. He stated that the State Department of Water Resources and the U.S. Bureau of Reclamation release large flows late in the season (May) to increase the capacity of reservoirs to hold snowpack runoff.

Mr. Ceppos asked if offstream storage would help the situation.

Mr. Dudley responded that offstream storage would not capture the large flows. He believes that Shasta Reservoir needs to be increased in size.

Ms. LeMaitre asked if it is possible to make reservoirs bigger, especially since dredging of the Sacramento River is not allowed and the river is filling with sediment, decreasing capacity.

Mr. Ceppos responded that a proposal to raise Shasta Dam has been made, but would probably move forward slowly. The proposal will require a multitude of studies from many perspectives.

Mr. Schmid asked if CALFED has a specific proposal for the Bypass.

Mr. Ceppos responded that the Bypass is included in CALFED's *Strategic Plan for Restoration* (Strategic Plan). He stated that CALFED has four primary objectives: 1) conduct ecosystem restoration; 2) improve water supply; 3) improve levee integrity; and 4) improve water quality. He added that improvements to the Bypass are included in the Strategic Plan as Phase 1 actions. Phase 1 actions are actions that will be undertaken within the first seven years after the EIR/EIS record of decision takes place (expected in June of 2000). Mr. Ceppos said that copies of the Strategic Plan will be sent to the Working Group with the meeting minutes.

Mr. Dudley asked what types of habitat could be created in the Bypass without decreasing flood flow capacity.

Mr. Ceppos responded that several types of habitat might be possible, although large stands of riparian forest would probably not be feasible because it would provide too much of an impediment to flood flows. However, he explained that such habitat could potentially be created in small "hydraulic shadows", areas where capacity and flows would not be affected (e.g., behind the Southern Pacific Railroad berm). He cited YBF's recent planting of approximately 3000 trees between the railroad and Highway 80.

Mr. Feliz stated that created riparian habitat supports birds such as raptors and neotropical migrants, as well as mammals such as deer and rabbits. He stated that the mammals need to have somewhere to go when the Bypass floods, but that the flooding is an historic pattern to which animals have long been adapted. He added that the levees now create an unnatural system, and that certain animals fare better than others in the Bypass.

Mr. Ceppos added that several types of habitat compatible with flooding could be created. For example, mudflats would support shorebirds at key times of the year, and flow refuge areas would benefit juvenile fish during floods, allowing them to remain protected from high velocity flows. Waterfowl would benefit from flooded habitat, as would mammal species such as otters.

Mr. Dudley expressed concern that mammals could not flee the Bypass during floods because of the canals and levees.

Mr. Feliz responded that some species are able to adapt to the conditions. He added that wetlands are the most productive habitat type.

Mr. Ceppos asked if the group was concerned about whether it makes sense to create habitat in the Bypass.

Mr. Dudley answered he believes that the nature of the Bypass as a floodway dictates that habitat use be non-terrestrial. He felt that habitat should only be created for species that are able to adapt to flood conditions. He wondered if habitat created in the Bypass could go unused by animals because of the flooding, particularly flooding that occurs during nesting season. He also stated that fish habitat would probably be detrimental to farming.

Ms. LeMaitre stated that she believes it would be cruel to create habitat in an area that floods because animals would starve or drown during flood events. She expressed concern over creating

a situation that might be worse than no habitat at all. She stressed that the Bypass is a human-made structure and as such may not be a good place for natural habitat.

Mr. Feliz agreed that the Bypass could not be a nesting area, but added that it could be a valuable wintering area, which is what the Central Valley historically has been. He stated that the Vic Fazio Yolo Wildlife Area is very successful as wintering habitat. He reiterated that local animals have long adapted to flood conditions, since those are the natural conditions in much of the Central Valley.

Ms. Cherovsky expressed concern over the integrity of the levees along the Bypass if flow patterns are changed. In addition, she raised the issue of waterfowl leaving the Bypass when it floods and settling on adjacent farm land. She stated that adjacent farmers might not want their land used as habitat, and asked what effects forage activity by waterfowl would have on agricultural land.

Mr. Feliz replied that the federal refuges established in the Sacramento area were created in part to relieve some of the pressure of waterfowl foraging on agricultural land.

Ms. Cherovsky stated that Conaway's solution to the forage issue is to set aside some fields for waterfowl foraging. She added that the more forage area there is available, the more dispersed (and thus less damaging) the foraging activity will be.

Mr. Ceppos asked if landowners could add a habitat cycle into their cropping cycles. For example, stubble could be left through the winter in small parcels of land to provide foraging habitat for waterfowl, and good habitat for fish during floods.

Mr. Schmid responded that this might be possible, particularly if done on small parcels, and if an economic incentive were provided, since it would cost farmers more to do this.

Ms. LeMaitre stated that landowners are afraid that if they or a neighbor creates habitat, the government could place restrictions on their land. She added that landowners would need assurances before they would agree to habitat creation.

Mr. Ceppos stated that CALFED is hearing this concern repeatedly, and that he believes it is a very valid issue. He said that CALFED's *Multi-Species Conservation Strategy* (MSCS) includes some assurances about this issue, but that these assurances need to be expanded. He added that copies of the assurances section of the MSCS would be sent to the Working Group.

Mr. Ceppos added that USFWS, the National Marine Fisheries Service (NMFS), and DFG are primarily responsible for imposing restrictions based on endangered species. These agencies have been reluctant to provide Safe Harbor assurances, but the issue seems to be coming to a head. Regulators will soon have to recognize that none of the habitat improvements they want will happen until assurances are given. He added that CALFED is attempting to address this, and that this project's final document could stress the point.

Mr. McCormack III stated that he was concerned about the possible power struggle between agencies; for example, one agency might give assurances while the others disagree.

Mr. Ceppos read the assurances listed in the USFWS document outlining the USFWS's *Final Policy and Rules regarding Safe Harbor and Candidate Conservation Agreements* to the Working Group. He said that copies of this document would be sent to the Working Group with the meeting minutes. He added that this document was a good start, but needed to be expanded upon. He said that the document begins to address the issue of incidental take (unintended killing of a listed species). Mr. Ceppos stated that this group has the unique opportunity to send a message regarding the need for Safe Harbor assurances to CALFED and the resources agencies by participating in this project.

Mr. Martinez stated that endangered species already exist in the Bypass, so this project and process could provide assurances for the existing species, in addition to any created habitat. He added that it should be acceptable to kill some animals inadvertently if their net numbers are increased by habitat creation.

Ms. LeMaitre stated that it is imperative that all landowners be part of this process, to bring both positive and negative viewpoints to the group. She emphasized that all landowners have an economic stake in the project, and expressed concern that CALFED is aggressive and wants to control water in the Toe Drain. She fears that CALFED sees the farmers as expendable, and believes that CALFED would like to render land fallow. She stressed that landowners need to participate to make sure their voices are heard.

Ms. Cherovsky stated that Conaway Ranch cannot access its diversion from the Sacramento River when the Bypass is flooded. In addition, the diversion needs to be repaired every year. If flood duration is increased, it will be impossible to repair the diversion early enough, and Conaway will be required to pump groundwater (inside and outside of the Bypass), which will lead to subsidence. Pumping is also expensive.

Mr. Ceppos addressed the issue of increased flood frequency and duration in regard to CALFED's habitat creation proposals for the Bypass. He said that he believes CALFED is only interested in increasing flow frequency and duration in smaller areas (e.g., near the Toe Drain) to benefit fish and shorebirds. The intent is not to flood the entire Bypass for longer durations. However, he added, we do not know the intent of agencies such as SAFCA, Yuba County, Sutter County, and Sacramento County regarding the Bypass. He stated that Jones & Stokes will investigate the intentions of regional flood control agencies regarding increased flooding in the Bypass.

Mr. Martinez stated that the West Sacramento levees have been increased three feet. He added that the overriding concern of flood operations manuals is the integrity of dams, not operation of the Bypass.

Ms. Kulakow asked what the latest date to plant rice would be. The group responded that it would be Memorial Day, but that accessible land would be required two weeks prior to that to prepare for planting.

Ms. LeMaitre stated that most conservation easements do not cover operations and maintenance (O&M) costs, and that these costs would likely exceed the payment amounts.

Mr. Ceppos responded that he had looked into the issue of funding O&M for another project, and found that the government would not set up a trust fund to help pay for O&M. He stated that CALFED's text in the MSCS assurances section includes the need to cover O&M for fish screens, but that the Working Group could tell CALFED, through this project, that these assurances must be expanded to cover other things.

Mr. Wegener stated that the City of Woodland is concerned about establishing salmon runs in Cache Creek through increased flows.

Mr. Ceppos stated that the Working Group would need to consider how to avoid this problem. He referenced Mr. Martinez's earlier comments regarding minimizing scrutiny and regulatory oversight if net increases occur in fish species populations.

Mr. Wegener asked if environmental flow releases from Clear Lake would be required if a salmon run were established in Cache Creek and a hydraulic link were connected to the Delta.

Mr. Ceppos responded that he did not know but that this is the type of issue the final project document would discuss.

Mr. Ceppos asked if potential land prices would be affected if water uses and sales out of the county were restricted.

Ms. Cherovsky responded that this could potentially affect the price of land.

Mr. Wegener stated that the City of Woodland and Yolo County are very interested in keeping water here. He added that population growth is pushing this issue.

Mr. McCormack III added that if water rights were restricted in any way, land prices would be affected.

Ms. LeMaitre added that if the public wants restrictions on where water goes, they will have to pay for the loss in property values.

Next Steps

Mr. Ceppos asked if this project process seems worthwhile to the group, and if they would like to continue to participate. He added that the Working Group would be expanded to include other stakeholders, as warranted. However, he assured the group that landowners, farmers, and water users would be the core group in the process.

The group agreed to meet again in December. The meeting will be held on Thursday, December 16, from 11 a.m. to 1 p.m. at the California Department of Fish and Game Yolo Wildlife Area Headquarters. Lunch will be provided. Members of the Working Group are asked to call Jennifer Stock of Jones & Stokes at 916/737-3000 to confirm their attendance.