

**YOLO BYPASS WORKING GROUP  
MEETING 21**

**MEETING MINUTES**

**MEETING DATE:** August 15, 2002

**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, California Center for Public Dispute Resolution (CCPDR)  
Elly Fairclough, Assembly Woman Helen Thompson  
Congressman Mike Thompson  
Ed Towne, Bull Sprig Outing  
Chadd Santerre, California Waterfowl Association (CWA)  
Phil Martinelli, Channel Ranch  
Jessica Kilkenny, Dawson's Duck Club  
Armano Gonzales, DFG  
Randy Mager, Department of Water Resources (DWR)  
Marianne Kirkland, DWR  
Ted Sommer, DWR  
Boone Lek, DWR/Reclamation Board  
John Currey, Dixon Resource Conservation District (DRCD)  
Chris V. Fulster, Glide In Ranch  
Dick Goodell, Glide In Ranch  
Don Stevens, Glide In Ranch  
Jack Palmer, H Pond Ranch  
Bob Dorian, H Pond Ranch  
Rick Martinez, Martinez Brother's Farms  
Selby Mohr, Mound Farms  
Jennifer MacLean, Natural Resources Conservation Service (NRCS)  
Jim Schneider, NRCS  
Mike Hardesty, Reclamation District 2068 (RD2068)  
Ken Martin, Rising Wings Duck Club  
Butch Hodgkins, Sacramento Area Flood Control Agency (SAFCA)  
David Brown, Sacramento Yolo Mosquito Vector Control District  
(SYMVCD)  
John L. Lewallan, SYMVCD  
Ray Thompson, Skyraker Duck Club  
Richard Smith, U.S. Fish and Wildlife Service (USFWS)  
Paul Simmons, Yolo Basin Foundation Board Member

Rachelle Rounsavill, Yolo Basin Foundation  
Mary Ellen Baldwin, Yolo County Supervisor Lois Wolk  
Mark A. Kearney  
Ron Tadlock

**NEXT MEETING: The next meeting is scheduled for November 21, 2002. 10:30 a.m. to 1:00 p.m. at the Yolo Wildlife Area Headquarters.**

**ACTION ITEMS:**

1. Dave Ceppos, CCPDR, will schedule an additional meeting with Working Group participants and David Brown, SYMVCD, around September 11, 2002. The meeting will focus on the requirements of state and federal regulations and what can we do this year in a voluntary capacity with land management.
2. Dave Ceppos will look into how (i.e. open space, wildlife corridor etc) the Bypass is designated within the Yolo County General Plan.

Robin Kulakow called the meeting to order. Due to the number of new attendees a round of introductions was conducted. Ms. Kulakow introduced Dave Ceppos. Mr. Ceppos briefly went over the agenda and the purpose of the Working Group. The Working Group is open to the public and has been in existence for 3 years. It provides a focused opportunity for farmers, land owners and agencies within the Bypass to discuss Bypass related issues and provide guidance and opinions on such issues. Mr. Ceppos recently left Jones & Stokes and is now with the California Center for Public Dispute Resolution. Robin is arranging to have the contract transferred from Jones & Stokes to the California Center for Public Dispute Resolution.

Mr. Ceppos asked if there were any changes or edits to the draft June 20, 2002 meeting minutes. Dave Brown referred to some spelling errors of mosquito species. Mr. Ceppos said those corrections would be made prior to the final printing of the meeting minutes. No other changes or edits were requested and the June 20, 2002 meeting minutes were adopted as final.

Mr. Ceppos passed out the schedule for the upcoming Yolo Wildlife Area Management Plan focused meetings. A packet will be mailed out for the September meetings in a couple of weeks, with additional information for each meeting. Mr. Ceppos re-iterated that it is important to have the Working Group members involved.

Lastly, Mr. Ceppos regretfully announced that Duncan McCormack III had recently passed away. A sympathy card was passed around for Mr. McCormack's family.

**Update on Sacramento River Corridor Management Planning Forum  
Butch Hodgkins, SAFCA**

Butch Hodgkins covered two topics;

- Reclamation District 1000 (RD 1000) pumping plant capacities
- Sacramento River Floodway Management Planning Forum update

### **Reclamation District 1000 (RD 1000) pumping plant capacities**

Mr. Hodgkins passed out a handout for the RD 1000 pumping capacities and maps with the six pump station locations. Two of the pump stations discharge to the Sacramento River above the Sacramento Weir. One of these pumping stations will be enlarged to increase the pumping capacity by 85 cubic feet per second (cfs), which is not likely to make a difference during a storm. Total changes to the other pump stations will increase the pumping capacity to approximately 3000 to 3800 cfs during a big storm. This information on the handouts was compiled from a clmr a document submitted to FEMA. These documents are official public information central to FEMA for revising flood maps.

### **Sacramento River Floodway Management Planning Forum update:**

Mr. Hodgkins posed the question of how can regional stakeholders help the Reclamation Board and land use agencies to better communicate when a Sacramento River front development project is brought to the table? We need to look at the overall flood control capacity. The forum meetings are open for participation and Mr. Hodgkins or Mr. Ceppos can get Working Group members information about when they will occur. There are three working groups in the forum: flood capacity, land use, and permitting and policy group. The objective of the forum is to have all three groups work together to identify each group's concerns and requirements for acceptable criteria in judging if an encroachment for a project will have an adverse impact on the flood control features of the floodway.

Mr. Hodgkins further described that the Bypass was built in the 1920s and since then we have been seeing an increase in storm intensities. We seem to be continually breaking records. We are at a point where we need to decide what has to be done to accommodate these increases. SAFCA thinks its time to consider increasing the Bypass capacity. One idea is to construct a weir that would dump floodwater into the Port of Sacramento Deep Water Ship Channel (Ship Channel) during a flood event in order to reclaim some of the flood capacity lost when the Ship Channel was constructed. Of course this would mean that we would also need a flood structure to keep additional flood waters from backing up into West Sacramento.

*Participant Question:* With the increased capacity RD 1000 has with draining North Natomas, is there some lead time during a flood event and is that being coordinated with the mechanical improvements you are proposing?

*Mr. Hodgkins:* Because RD 1000's drainage area is significantly smaller than the watersheds for the main components of the flood control system, their runoff almost always occurs before the river is at its peak. We almost always receive the brunt of rain in the valley before the mountain regions where the big flood control systems are located. There is little concurrency between peak flows in the Bypass, Feather and Sacramento rivers and smaller watersheds like Cache Creek and Natomas.

*Participant Question:* Where do you think we are in relation to raising Folsom Dam and what is the projected time frame?

*Mr. Hodgkins:* The most cost effective method is to raise Folsom Dam by 7 feet. This results in more storage capacity and better control of flows in the American River system thus providing benefits to downstream areas because flows are more controlled. There is political tension because there is a perception that this increased flood protection makes Auburn Dam less needed. The Folsom Dam project is not likely to begin for another 5 to 6 years. It is the only practical way at this point to add flood control protection to the American River.

Everything that has happened in the Sacramento and American River is focused on what happens to the capacity at the lower American River. Raising Folsom Dam is the last piece of what can be done outside of dealing with weather forecasting.

*Participant Question:* If Folsom Dam is raised, will there be competing demands for water? How much flood control will you actually get? Won't agriculture want that extra water and not want releases?

*Mr. Hodgkins:* The Army Corps is the federal authority on reservoir operation for flood control. It would require a political fight to change the use of the dam storage.

*Mr. Ceppos:* As per the National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) document prepared for the proposed dam raising, the dam raising is strictly for flood control amelioration, not for consumptive water storage. To allow the dam raising for any other use other than flood control would require a new NEPA/CEQA impacts analysis because that is not what the project has been approved for.

*Participant Question:* The 7 feet increase would be what percentage increase to storage?

*Mr. Hodgkins:* 7%

### **Mosquito/Vector Control Discussion**

#### **Dave Brown**

Mr. Ceppos provided introductory remarks, reminding the participants that the Working Group is trying to find ways to avoid conflicts between duck clubs, land owners and mosquito/vector control regarding who is responsible for health issues associated with mosquitoes. Mr. Dave Brown then continued his discussion of what the SYMVCD needs from land owners and how SYMVCD can help land owners with compliance.

Mr. Brown passed around a handout that bulleted some main points for wetland construction and management.

Mr. Brown stated that when West Nile virus reaches California it will raise the bar especially in the public view. In Louisiana, West Nile Virus is not just affecting the young and elderly, its affecting all age groups. California Governor Davis called a press conference recently about what we are doing about West Nile Virus. In addition, Julia Gerberding of the U.S. Center for Disease Control and Prevention referred on Face of the Nation to West Nile Virus as the fastest growing epidemic in the United States.

*Participant Question:* When do you expect it to hit California? Isn't it carried in migrating bird flyways? Doesn't the Sierra's create a formidable barrier to migratory birds to cross over to California?

*Mr. Brown:* Birds will co-mingle in Central and South America and some of those birds will use the Pacific Flyway. It is possible that West Nile could show up this year or next year. There are over 110 species of birds that carry West Nile virus. Crows, magpies and blue jays do not fare well with the virus and die relatively quickly. We have a very healthy crow population here and there have not been signs of West Nile Virus at this point. If they are infected with West Nile Virus, these birds would literally fall out of the sky.

*Participant Question:* Hasn't it been detected in Seattle?

*Mr. Brown:* I believe that individual had been to Louisiana and did not contact West Nile Virus in Washington State.

*Participant Question:* Has it been found in migratory waterfowl?

*Mr. Brown:* Yes, I have the list and it's believed that waterfowl can carry the virus.

Some of the issues we are dealing with are flooding dates. One of the items we would like to look into is pushing the hunting dates back. I also understand that farmers/wetland managers have mandates as to when they have to flood that conflict with District objectives. Let's bring these issues to the table. How can we enhance wetland habitat and reduce mosquito populations?

*Participant Question:* Are there any plans to go to all the refuges to test the migratory waterfowl? Can we check out dead birds at the check out stations during hunting season?

*Mr. Brown:* Yes, we are already testing birds at the Sacramento Refuge. We are also conducting a sentinel chicken program that is more effective. However, the easiest detection is dead crows, due to the fact that they do not fare well when West Nile Virus hits.

*Participant Question:* Aren't they only charging the duck clubs up north?

*Mr. Brown;* Yes, but as discussed at previous meetings the duck clubs up north are producing significantly more mosquitoes than other habitats. Remember, there are different species of mosquitoes, and the duck clubs in the north part of the state are responsible for tremendous numbers of day biting mosquitoes.

The species of mosquito that can carry West Nile Virus are *Ochlecotatus* and *Culex* which are raised on Duck Clubs. They can affect both mammal and avian species.

*Participant Question:* This isn't the first time that we have been presented with land owners paying for mosquito control. We are concerned that this is going to happen to us again, much like what is happening in Butte Sink.

*Mr. Brown:* We have a state budget with serious issues. They will be cutting in some districts, some have already lost revenue. We have not lost revenue yet. If we lose revenue we have a couple of options:

1. We can charge you and have meetings like this. However West Nile Virus is a big issue and we need to balance multiple interests.
2. We can be proactive such as pond flood-up timing etc. so that we don't have to charge you.

*Participant Question:* Can't the state come up with the money? They find money for fires, so why not this if it's such a big deal?

*Mr. Brown:* What are we going to do? Spray. You have all told me you don't want to spray and pesticides aren't the answer as we discussed in the last meeting. The concept should be how can we avoid expensive pesticide applications.

*Participant Question:* The state and feds find a way to fight fires. The fires (i.e. West Nile Virus) aren't here yet. The potential is out there to get funding to clean ditches etc. to alleviate the problem as much as possible. I'd like to know what we can do here to propose partnerships with the state and university for research so we don't have to rely exclusively on pesticides and charge landowners for treating mosquitos on their property.

*Mr. Brown:* We are trying to find other resources so you don't have to fund it. You are following multiple policies for other resource groups. We are looking at other ways where we can meet that balance.

*Mr Ceppos:* At the very least there is the NAWCA funding. There is potential under existing contracts with the Yolo Basin Foundation, that CCPDR can prepare a proposal for funding, and a proposal for SYMVCD to help with funding. I would want some oversight committee from this group to help with the proposal. But what are some things that can be done voluntarily this fall to help alleviate the problem?

*Participant Question:* The state has agreed to provide water to various clubs next year. Approximately three days of water, but right now it takes us 21 days to fill. We would be happier to fill in a shorter period of time. Maybe the state should come up with more funding for bigger pumps.

*Mr. Brown:* We don't have the staff to cover all the acreage in the area. Let me know what it would take to achieve these items. One thing I mentioned is holding duck season off. Some of you are flooding in August which is not helping with the mosquito populations.

*Chadd Santerre:* The current NAWCA grant we have is to improve pumping capacity to all the clubs and drainage efficiency. The grant will allow much more in the way of improved water delivery and drainage. The proposal looks at 14 of the clubs which should help to significantly decrease mosquito problems. I'm intimately involved with all the projects and can tell you all the carrying capacities for delivery to all the clubs involved. To get water on and off all the properties in three days is not possible because some of the properties are 200 to 300 acres.

*Mr. Brown:* Biological control is better in deeper water (at least 3 to 4 inches) because it means you have predators. Can you flood the 200 acres at differing times rather than all at once? Water quality can make a huge difference also. Systems with large organic loading will contribute increased mosquito populations. Mosquitoes are adapted to the low oxygen and high organic content of eutrophic wetlands. If you are not getting good water quality let me know.

*Participant Question:* What is the effect of mowing? When we disc, the organic matter is deeper. When we mow the water quality turns brown.

*Mr. Brown:* Discing is better. If you mow the loose vegetation should be picked up and burnt or disposed of in some way.

*Dave Feliz:* Some of the grasses don't disc well so we mow, but burning might be better.

*Mr. Ceppos:* Do the duck club managers think water quality is an issue because of organic loading?

*Participants:* It depends on the year. Some years are worse than others, depending on the weather. If we mow and don't flood until November is it ok?

*Mr. Brown:* That would be great.

*Mr. Feliz:* There are two ways to control sweet clover. Mow and flood. It is more cost effective to flood than mow and we start flooding in September.

*Mr. Brown:* Unfortunately, then you leave us little option but to spray. I find it hard to believe it is more cost effective to flood early and spray pesticides for mosquitoes rather than look at other management options.

*Participant:* We have to flood early or the birds go to Mexico.

*Participant Question:* Can you graze it?

*Mr. Feliz:* That's a possibility but the sweet clover is a problem for cows, but goats could be a possibility.

*Participant:* Dave Feliz has to flood earlier to keep the birds out of the rice fields.

*Participant:* We can't graze so what are we supposed to do?

*Mr. Brown:* I understand, we are working with agencies to coordinate.

The predator population should sustain through your deep water pond up to 2 to 3 feet (with 4 inches surrounded by deep water). I realize some of you are constrained by how deep your water can be. Another management practice should include a high slope index: Steep sides are preferred, but I understand that is not possible in Bypass.

*Participant Question:* For those of us that flood before November does it make sense to add Gambusia to the water? And when do we put it out, after the water is stabilized?

*Mr. Brown:* That would be great.

*Mr. Feliz:* We have a problem with cattails if we keep our water that deep, which creates a problem because of discing etc. It's really not possible for us and creates a two year cycle.

*Participant Question:* If we call you, will someone come and take a look to tell us if we need to do something or we have a clean bill of health?

*Mr. Brown:* Yes

*Mr. Ceppos:* We need to have a focused meeting about the things that Dave Brown is talking about, sooner rather than later. A more specific discussion on these bullet points, pros and cons and what can be done. We also need to discuss the requirements of state and federal regulations. The goal of the meeting should be what can we do this year in a voluntary capacity with land management? Who would be willing to attend this meeting?

*Participant:* I have a suggestion. Can we have a checklist of what we can do for specific properties that we can give back to you? That way we can coordinate based on the checklist.

*Mr. Ceppos:* It is something we could work on at the meeting. It looks like enough people to organize a meeting.

*Participant Question:* What kind of chemicals are associated with predators?

*Mr. Brown:* Many organisms give off pheromones that keep mosquitoes from ova depositing eggs.

The main thing that helps control mosquito productivity is the water. One of the major issues in the Bypass is water delivery around November 1<sup>st</sup>. Any date before that we need to discuss. Can we reduce some of the vegetation stands? Chemical control is the last option.

**Yolo County General Plan Open Space and Recreation Element**  
**Paul Simmons, YBF Board Member**

Mr. Simmons described that he was asked to discuss the changes to the Yolo County General Plan that are under consideration. We are all grappling with this issue especially such topics as loss of agricultural land and property development. Mr. Simmons stated that he was not asked to support or oppose the changes. He provided the following disclosures: He is a member of the YBF Board. His law firm does work for Yolo County and Colusa County but has not worked on the General Plan. He is not speaking for any of these agencies. He works on a number of other issues where habitat and conservation efforts are issues for his clients. His wife works for a land conservation group.

The important parts of a general plan are:

1. The map which shows what can happen in each area.
2. The elements of the plan.

If an area is shown on the map as residential housing it doesn't mean that houses have to be built on it. The property can be left vacant. Currently, if the map says the property is agricultural, naturalized habitat can also occur on that same property in Yolo County.

CEQA says anytime a local agency approves a project (i.e. adoption or amendment of a general plan) you have to do an environmental analysis of the project. If there are some significant effects, you have to do an Environmental Impact Report (EIR). If there are no significant effects you write up a Negative Declaration.

The handout passed around is current as of April 2002. AP-39 on the second page states that "prior to the conversion of prime agricultural land for the primary purpose of establishing wildlife habitat, where agricultural production is precluded, including habitat conservation easements, habitat mitigation or related improvements, the appropriate Open Space land use designation shall be required, and where appropriate, an amendment to the applicable Yolo County General Plan."

*Participant Question:* How do they define prime agricultural land?

*Mr. Simmons:* It usually relates to soil and or water availability.

*Participant:* That can be a broad category.

*Participant Question:* Who decides that it is prime agricultural land?

*Mr. Simmons:* I'm not sure. There probably is a specific definition. If you asked a county planner they could tell you.

*Mr. Ceppos:* Board of Supervisors would ultimately decide the appropriate and legal definition for the County.

*Mr. Simmons:* It is up to the supervisors whether this is something that should be adopted.

Some of the things that may affect yours or their thinking:

**Pros:**

1. The County has land use authority. They can say what the land use is and should be concerned with overall balance of uses. The protection of prime agricultural land is an appropriate priority. There are not a lot of other government agencies with this priority. Protecting agricultural land for the over all public good is a goal of the County.
2. Compatibility issues: Habitat conversion may affect neighbors; for example endangered species. There is no place to go realistically if there are concerns about conflicts.
3. The potential language only relates to prime agriculture land, channels restoration to lower value agriculture land.

**Cons:**

1. There are potential interpretation issues such as, what does it mean to preclude agricultural production.
2. The proposed language presents an impediment to restoration activities and land owners ability to do what they want to do with their land. It creates a “set of hoops” that doesn’t currently exist.
3. CEQA would apply to County supervisors to amend the plan. Certain presumptions under CEQA that projects that affect prime agricultural land are significant and not mitigatable could apply.
4. The policy wouldn’t apply to state and federal agencies. They are exempt from local land use laws.

*Participant Question:* What is the main push behind the basic policy change? It’s basically trying to road block private restoration projects.

*Mr. Simmons:* It is an effort to try and get a handle on all the changes.

*Participant Question:* Are they worried about losing the tax base on the property?

*Mr. Simmons:* That is certainly a possibility.

*Mr. Ceppos:* In Colusa County it was done up there as a chilling effect to proposed habitat restoration projects.

*Participant Question:* If a state or federal agency buys land, they are exempt. If they buy an easement on a piece of property that property is not exempt?

*Mr. Simmons:* That is correct. If it was a conservation easement that modified use, before you entered into the easement you would have to go through this approval. If the state bought it before changes take place, you presumably wouldn't have to go through it.

*Participant Question:* There are areas designated by the County as open space and wildlife corridors, is the Bypass included in this?

*Mr. Simmons:* I'm not sure. It should be checked.

*Participant:* One thing that hinges on this is the definition of prime agricultural land. If you didn't farm that area over the past 10 years it wouldn't qualify.

*Participant Question:* We are in the Williamson Act area, if you aren't using this land for farming they'll tax your property. Will this create a problem?

*Mr. Simmons:* Unsure.

*Rick Martinez:* It's not a coincidence that this is coming up after the Glide Area purchase. The supervisors receive pressure from groups like the Farm Bureau, who are against any agricultural land being converted to wildlife habitat. We should leave the option to land owners not to county supervisors.

*Participant Question:* If they adopt this program won't it basically kill any conservation easements?

*Mr. Simmons:* That's a concern that some have. Note for State land clarification: The State would still have to comply with CEQA. The County would not have direct approval authority however.

*Mr. Ceppos:* There are a lot of questions regarding this document. Robin and I feel that you as land owners should have an opportunity to know what is going on.

*Participant:* It appears that the supervisors are going to have more control of our property than they already do. I don't want this.

*Participant Question:* Where are we in regards to time frame? When is the county going to open this up for comment? I think one of the supervisors should come in and present this.

*Mr. Ceppos:* We are thinking about this. Lois Wolk thinks it may come up this fall.

*Participant Question:* Therefore our November meeting may be too late?

*Mr. Ceppos:* We are going to be keeping this group aware. There may be a need for a special meeting. We will keep you aware.

*Participant:* Maybe you can write a letter saying we are an important group and please let us have a chance to review and react.

What is the best vehicle? From the county perspective they are probably just trying to keep control. Just because the land is being retired out of farming doesn't mean it can't be brought back into farming some day.

*Mr. Hodgkins:* It is the same with levee set backs and decreases in agricultural land. As you use land you don't have enough land left to keep it going. It would be interesting to have someone come in and say why this issue is coming up.

*Participant:* Maybe we should shoot for exemption in the whole Bypass.

*Participant:* That addresses our issue but not the issue of conversion of agricultural land to habitat.

*Mr. Ceppos:* We will identify how the Bypass is designated in the General Plan.

*Mr. Ceppos* adjourned the meeting at 1:30.