

**YOLO BYPASS MANAGEMENT STRATEGY
STAKEHOLDERS WORKING GROUP MEETING NO. 11**

***DRAFT*
MEETING MINUTES**

MEETING DATE: November 16, 2000

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

IN ATTENDANCE: Lori Clamurro, Delta Protection Commission
Chuck Dudley, Heidrick Farms
Mike Egan, Yolo Flyway
Denny Eickmeyer, Yolo Wings and L. G. Duck Club
Dave Feliz, California Department of Fish and Game
Mike Hardesty, Reclamation District 2068
Bill Harrell, California Department of Water Resources (DWR)
Gillian Harris, National Fish and Wildlife Foundation
Tom Harvey, U.S. Fish and Wildlife Service (USFWS)
Robin Kulakow, Yolo Basin Foundation
Rick Martinez, Martinez Bros. Farms
Nelson Mathews, Trust for Public Lands
Duncan McCormack III, Yolo Ranch
Scott Morgan, William Morgan Realty
Dennis Murphy, Murphy Farms
Mitch Sears, City of Davis
Ron Smith, PFC Duck Club
Ron Tadlock, Tadlock Farms
Ed Towne, Bull Sprig Outing
Will Wylie, H Pond Ranch
Kevin Dolan, UC Davis Student
Kim Hunter, UC Davis Student
Jen Mayer, UC Davis Student
Dave Ceppos, Jones & Stokes
Jennifer Stock, Jones & Stokes

NEXT MEETING: **The next meeting of the Working Group will be held December 15, 2000, at 10:30 a.m. at the Yolo Wildlife Area Headquarters. The meeting will focus exclusively on the draft Management Strategy document.**

ACTION ITEMS

1. Working Group members will provide individual comments on the Management Strategy, Revision 3 document by November 30, 2000.

2. Jones & Stokes will provide to the Working Group a short document titled “How to Find Your Easement” (Attachment A).

3. Mike Hardesty requested that Working Group members contact the managers of the U.S. Army Corps of Engineers (USACE) and State of California’s Sacramento and San Joaquin Rivers Comprehensive Study (Comprehensive Study) with regard to his and others’ concerns about the status and progress of the Comprehensive Study. Mr. Hardesty requested the mailing address for the Comprehensive Study managers (as discussed further on page 7 of these minutes).

SUMMARY OF MEETING

Introduction

Mr. Ceppos began the meeting by welcoming the group. He asked if there were any changes or additions to the October 12, 2000, meeting minutes; there were none. The October meeting minutes were therefore adopted as final.

Mr. Ceppos explained that the sole purpose of this meeting was to give the Working Group an overview of the Management Strategy, Revision 3 document (document). He further explained that each chapter would be reviewed in terms of content and format style. The process for providing document input would also be explained.

He said that this project has successfully identified numerous stakeholder concerns regarding land use changes in the Bypass, particularly with regards to habitat enhancement. He stated that the YBF and Jones & Stokes (project team) have identified several different entities (e.g., landowners, flood management agencies, upstream and downstream water users, environmentalists, etc.) that are interested in the Bypass. He reminded the group that each of these entities has a different perspective on what the Bypass can be and that the role of the Management Strategy is to find a common ground where all entities can reach a consensus on the future vision of the Bypass.

Ms. Kulakow further explained that this document has attempted to capture the voice of the Working Group. She requested that if it does not do so, to please provide input on the document and let the project team know how it can be improved.

Management Strategy, Revision 3 Overview

Mr. Ceppos began by stressing the fact that the document handed out at the meeting is an INTERNAL DRAFT. Ideally the document should not be shared outside of participants in the Working Group process and that if the document is shared, Working Group members remember to stress to any recipient that the document is a draft and not a final version.

Mr. Ceppos continued by apologizing for the technical problems at Jones & Stokes that have resulted in figures that are not complete and up-to-date. He explained that these issues will be worked out and that the updated figures will be in the next revision.

Mr. Ceppos explained that the remainder of the meeting would be to move through and discuss each chapter.

Chapter 1

This chapter is the introduction for the document that describes the document organization, the location and current function of the project area, the project process and its future, and past and present studies or projects that relate to this project. Most of this chapter is straight forward, and the only issue was where the southern boundary of the project location should be.

Mr. Ceppos said that it seemed hard to justify the southern project boundary (pages 1-1 through 1-2) at the Yolo County line when the Bypass extends past that point. He explained that some previous studies had done so, but it seemed to be more an administrative convenience rather than what made geographic sense.

Several members stated their opinion that the project boundary should extend downstream to include the Egbert Tract. Mr. Ceppos confirmed that this would be done

Mr. Mathews stated that Phil West and Jeff Carey should be added to the stakeholder list as they are landowners in and near the Egbert Tract. Mr. Ceppos indicated that someone from Jones & Stokes would contact him to get contact information for Messrs. West and Carey.

Chapter 2

This chapter describes the existing conditions in the Bypass and describes such things as landforms and soil, land and water use, governmental land management, vegetative communities, and hydrology.

Mr. Ceppos first focused the group on the section entitled “Agricultural and Duck Club Land and Water Use” that starts on page 2-3. This section grew out of technical information that has been presented to the Working Group and from stakeholder interviews with the project team. It acts as a broad overview of how water is actually moving through and being used in the Bypass. He said that this is important in giving parties interested in habitat enhancement in the Bypass a realistic view of how water is actually used and moved around.

He added that the subsection “Duck Club Land and Water Use” (page 2-7) has not been divided into north and south, as the agricultural land use section was organized, because duck clubs occur in various locations within the Bypass and generally function the same regardless of location.

Next, Mr. Ceppos focused the group on the portion of Chapter 2 that describes the various habitat communities in the Bypass and the animals that are associated with each one.

Lastly, Mr. Ceppos focused the group on the largest topic in Chapter 2, “Hydrology”. The bulk of the chapter focuses on hydrological issues in the Bypass, starting on page 2-14 and continuing to the end of the chapter. This portion has been generated primarily from questions the Working Group has asked about these issues. Mr. Ceppos reminded the group that the project team has spent much time gathering past data and creating new data to answer these questions. One problem that has been encountered during this process is that gaps exist in the historical data. These questions have given rise to specific concerns the Working Group has (e.g., implementing an early flood warning system and the need for better water gaging stations).

Page 2-16 discusses state easements in the Bypass. Mr. Ceppos explained that it is apparent that many Bypass landowners do not know what the language of their easements specifies. As a result, the project team researched easements that varied by date of agreement and location within the Bypass. He continued by saying that the project team consulted with Jones & Stokes’ internal staff counsel who indicated that Jones & Stokes and YBF are limited in what can be presented to the Working Group regarding an interpretation of easement language. This concern is based on the potential liability that any interpretation of such easements could be construed by Working Group members as a legal opinion. Mr. Ceppos continued by stating that due to this concern, interpretation of easement language in the document is very limited and that any such interpretation does not constitute a legal opinion of such text.

Mr. Ceppos further explained that as part of Jones & Stokes’ efforts to find and review these easements, it became apparent that the process to find and copy them is quite arduous. Therefore, Jones & Stokes has prepared a small instructional document titled “How to Find Your Easement” (Attachment A) which explains the process of locating and obtaining easements.

Mr. Ceppos continued describing the hydrologic data included in the document. All of the technical information that has been gathered by Gus Yates, a hydraulic consultant, and Luke Rutten, a geomorphologist from Jones & Stokes, has been compiled and starts on page 2-17. The figure packet includes the final versions of the figures that are associated with this text (these figures have been presented to the Working Group at past meetings).

On page 2-27 is the heading “Hydrology Conclusion”. Mr. Ceppos indicated that Jones & Stokes is still working on this section of text.

Mr. Harvey asked if this chapter addresses future projects in the Bypass.

Mr. Ceppos answered that they are addressed in Chapter 4.

Chapter 3

Mr. Ceppos explained that this chapter is where the document becomes very different from previous documents about the Bypass. Chapter 3 is where the voice of the Working Group has been closely memorialized to identify the different assurances stakeholders in the Bypass need to consider any future land use changes beneficial to habitat and wildlife. These assurances have been identified from all the previous Working Group meeting minutes and organized in an effort to clearly convey specific assurances and assurance-related topics and issues that pertain to stakeholders in the Bypass.

Mr. Ceppos drew the attention of the Working Group to the bottom paragraph on page 3-1. He wanted it to be clear, at the meeting and in the document, that the Working Group acknowledges that it is not a decision making body and that the Working Group does not hold any superceding role over any individual stakeholders.

Mr. Ceppos stated that it was a somewhat difficult task to accurately capture the concerns and positions of numerous stakeholders and then translate that into concise statements. He asked that all reviewers and the Chapter 3 review subcommittee pay extra attention to this chapter to ensure that it is appropriate and accurate.

Mr. Mathews asked if there are mechanisms, discussed in the document, for accomplishing these assurances, and if not, should a section on this be added. He suggested that would be a good section to add because conditions in the Bypass are so different than in outlying areas.

Mr. Ceppos responded that there is not a specific section that addresses this issue; the document addresses this issue in different ways throughout the document. He also said that this may be a good section to add and that any suggestions or ideas Mr. Mathews or other Working Group members have would be appreciated to help create this new section.

Mr. Harvey commented that it seems that the document only addresses duck club and agricultural stakeholders in the Bypass. He was concerned that there is no mention of flood control agencies and the assurances needed to make sure that levees can be maintained.

Mr. Ceppos agreed that that was a good point.

Mr. Hardesty said that he will provide a lot of input on this topic for the document.

Mr. Dudley stated that everyone knows the entire Bypass is needed for flood control, and that the Working Group needs to make sure that critical improvements necessary for levees can be made.

Mr. Ceppos continued that page 3-6 contains a list of specific issues that were taken from the meeting minutes, combined, and sorted to convey stakeholder concerns. He said that this may be a good location to discuss state management activities for the Bypass. He asked to please let the project team know if it missed any issues.

Mr. Martinez said that there has been an increase in the amount of runoff water coming into the Bypass from new development taking place in surrounding communities, such as Davis, that may act to degrade water within the Bypass. He questioned whether this is a subject that could, down the road, be a cause for future restrictions, and he wondered if it should be addressed now, in the document.

Mr. Ceppos said that it probably should be addressed now. He asked the other stakeholders what they thought.

Mr. Martinez asked Mr. Ceppos if he knew of anything in regards to the current state of the water quality.

Mr. Ceppos answered that he has not seen any data for this issue. He knows that the Colusa Basin, which drains a large amount of agricultural land, drains into the Bypass; that there is the Woodland sewage treatment facility; and that Cache Creek carries high amounts of mercury. He said that the treatment facility releases treated water, but acknowledged that accidents may happen.

Mr. Martinez asked if there should be a paragraph or two, then, that addresses water quality issues, and Mr. Ceppos affirmed that there should be.

Chapter 4

This chapter is a response to CALFED's programmatic documents (listed on page 4-1) and vision for what could happen in the Yolo Basin and the San Joaquin Delta. These documents have been reviewed with the specific focus being on the Bypass. This information has been evaluated in a manner that responds to CALFED and says what is realistic and feasible to occur in the Bypass from the perspective of the Working Group. This is achieved by listing all the CALFED Targets and Programmatic Actions (pages 4-2 through 4-11) that apply to the Bypass and then describing different options that could be implemented in the Bypass. These options are the "Working Group's recommendations of what **might be** 'reasonable, affordable, cost effective, and practicably achieved' ... in the Yolo Bypass" (page 4-12). Each option is explained and then the basic benefits are listed. The basic benefits are followed by how this option would benefit CALFED; and these

benefits are related back to the Targets and Programmatic Actions. After the CALFED benefits are discussed, opportunities and constraints for each for particular option are also discussed.

Mr. Mathews asked if this process is intended to be used as a means of gaining funding for the Working Group from CALFED and other sources.

Ms. Kulakow answered that it is not. It is a middle-ground for stakeholders in the Bypass who may want to change land uses for habitat enhancement and have identified benefits to habitats but have also identified numerous constraints. The document is not intended to mandate stakeholders to do anything if they choose not to. Funding for an option would depend on what would be implemented and the various agencies that would be involved.

Mr. Ceppos used tailwater ponds (page 4-15) as an example. Tailwater ponds in the Bypass would need to have a portable pump that could be removed during the flood season. However, the Yolo County Resource Conservation District (RCD) (which would normally fund this), has a policy prohibiting funding support for tailwater ponds in flood bypasses because of the potential that the portable pumps would not be returned to the appropriate location each year. Currently, there is no enforcement body set up that could monitor the relocation of the pumps to their correct location. Also, in the Bypass, the ponds would have to be long and linear to avoid any flood impacts. The document therefore describes how tailwater ponds could be feasible and beneficial; however, there are numerous issues that have to be sorted out to implement such a change. These issues could include funding options and policy changes.

Mr. Ceppos said that most of the discussions at previous meetings regarding required assurances (Chapter 3) have focused on small parcels of land. Starting on page 4-26, it is explained that the assurances needed would be the same whether on a small parcel or big block of land. He would like the reviewers to pay attention to this section to make sure it accurately represents the Working Group.

Mr. Ceppos continued by saying that on page 4-27 the document states that previous documents have neglected to factor in stakeholders' concerns. It took this group, with the help of a CALFED grant, to address the many issues of the Bypass in a realistic light.

Ms. Kulakow said that if the Working Group knows of any issues of oil and/or gas utilities to let the project team know.

Mr. Ceppos then explained the "Document Feedback Packet". Once the entire Working Group has had enough time to start reviewing the document, the project team will begin to call the chapter-specific review subcommittees to see if there are any major concerns. If there seems to be a consensus among the committee members that a meeting would be helpful, such a meeting will be set up to review that specific chapter.

Ms. Kulakow added that individual comments need to be provided to the project team by November 30, and the committees could meet during the first week in December, if needed.

Mr. Harvey asked if the project team has talked to anyone about the Comprehensive Study.

Mr. Ceppos responded that he spoke to a Comprehensive Study representative (Ms. Sue Fry) who indicated that USACE would like to speak with the Working Group since it represents one large unified area. He also said that he and Ms. Kulakow have spoken to CALFED and USACE about the aerial mapping that was conducted for the Comprehensive Study.

Mr. Hardesty said that the USACE has dropped the ball, in regards to the Comprehensive Study and requested that members of the Working Group write to the managers of the Comprehensive Study to express their concern at the time it is taking and the limited progress that has been occurring in getting the study completed. As requested by Mr. Hardesty, the addresses of the Comprehensive Study managers is as follows:

Merrit Rice, Project Manager, U.S. Army Corps of Engineers and/or
Steve Yeager, Project Manager, State Reclamation Board
1325 J Street, Room 1540
Sacramento, CA 95814-2922

Mr. Smith asked what the Management Strategy document is trying to achieve, and if the Working Group has any type of mission statement to guide them.

Mr. Ceppos answered that a mission statement/vision has not yet been created for and by the Working Group, but the ultimate goal will be to have the Working Group be self-sufficient.

Mr. Martinez asked how the proposal application for the second phase was going.

Mr. Ceppos responded that he was not sure but that things still look good. He will let the Working Group know the outcome as soon as he hears something.

Mr. Ceppos said that the purpose of the next meeting will be to review the next revision of the document. He stated that there may also be a representative from USACE and the Sacramento Area Flood Control Agency to discuss the Comprehensive Study and the proposed changes at Folsom Dam, the American River, and the Sacramento Weir.

Mr. Ceppos concluded the Working Group meeting by saying the next meeting will be held on December 15, 2000, from 10:30 a.m. to 1 p.m.