

**YOLO BYPASS MANAGEMENT STRATEGY
DUCK CLUB BRIEFING MEETING**

DRAFT Meeting Minutes

MEETING DATE: December 7, 1999

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

IN ATTENDANCE: Chuck Dudley, Heidrick Farms
Mike Egan, Yolo Flyway Farms
Dick Goodell, Glide In Ranch
Dennis Kilkenny, Dawson Duck Club
Bob Leonard, Yolo Basin Farm
Ken and Cyndi Martin, Rising Wings
Duncan McCormack II, hunter
Duncan McCormack III, hunter
Gary Moody, Yolo Wings
Lynn Pryor, hunter
Dennis Murphy, farmer
Ron Paul Kilkenny
Ray Thompson, Sky Raker Duck Club
David Feliz, California Department of Fish and Game (DFG)
Tom Harvey, U.S. Fish and Wildlife Service (USFWS)
Craig Isola, USFWS
Dan Loughman, California Waterfowl Association (CWA)
Pat Perkins, DFG
Chadd Santerre, CWA
Dave Smith, DFG
Robin Kulakow, Yolo Basin Foundation (YBF)
Mike Lien, YBF
Dave Ceppos, Jones & Stokes
Alice McKee, Jones & Stokes
Jennifer Stock, Jones & Stokes

NEXT MEETING: **The next Yolo Bypass Management Strategy Working Group meeting will be held on January 10, 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 at 916/737-3000 by January 6 to confirm their attendance.**

ACTION ITEMS

1. Jones & Stokes will send copies of the CALFED Bay-Delta Program's (CALFED's) Ecosystem Restoration Program Plan (ERPP) Strategic Plan for Restoration to the meeting participants.
2. Representatives for organizations such as the Grasslands Conservation District (Grasslands) and/or the Butte Sink Waterfowl Association (BSWA) will be invited to speak at a future meeting.

DECISIONS MADE

1. The Duck Club representatives agreed to participate in the Yolo Bypass Management Strategy project as members of the project's Working Group.

SUMMARY OF MEETING

Introduction

Ms. Kulakow began the meeting, provided introductory comments, and asked the attendees to introduce themselves. She then explained that YBF is a nonprofit group whose main focuses are providing educational programs and coordinating with DFG to manage the Vic Fazio Yolo Wildlife Area (Wildlife Area). She added that YBF's role is to facilitate communication between the various individuals and entities with an interest in the Yolo Bypass (Bypass). She then reviewed the agenda, and explained that this meeting was intended to share information of interest to the duck clubs regarding the Yolo Bypass Management Strategy (Management Strategy) project, the Wildlife Area, the proposed USFWS North Delta Refuge (Refuge), and the Water Bank and Conservation Reserve Programs (CRP). She introduced Mr. Ceppos, Jones & Stokes' project manager for the Management Strategy, and explained that YBF hired Jones & Stokes to facilitate the project process and provide technical expertise.

Management Strategy

Project Description and Purpose

Mr. Ceppos thanked the group for their time and participation in the meeting. He explained that the purpose of the Management Strategy is to assist local stakeholders (particularly land owners,

farmers, and water users) in developing a vision for the future of land uses in the Bypass. He stated that YBF was concerned about projects proposed by other groups who tend to view 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. He added 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, which would include a variety of land uses, such as agriculture, habitat friendly farming, and habitat restoration, rather than simply habitat restoration. He added that CALFED's overall goal through this project is to find a realistic balance of land uses for the Bypass. YBF wants to give local stakeholders the opportunity to create a long-range land management strategy that identifies feasible and acceptable land use changes (if any), and outlines the assurances and conditions that would be required for local stakeholders to support proposed projects within that strategy.

Working Group

Mr. Ceppos continued, saying that there are many interests with different ideas for the best land use in the Bypass, such as agriculture, flood control, and habitat restoration, and that these interests sometimes conflict. He explained that YBF has formed a Working Group of local stakeholders that will guide the project. The first meeting of the initial group of stakeholders was held in November. The Working Group meetings will give local stakeholders an inside look at CALFED and CALFED's proposals and decisions. He also explained that the project team would use the meetings to provide tools for the Working Group to make future business decisions, including, for example, bringing representatives of funding agencies to speak to the group to explain easement options, and bringing biological specialists to speak to the group. The meetings will give stakeholders a forum for expressing their opinions and concerns. He added that the Working Group will likely meet every four to six weeks over the next few months. He stated that his intent for the final project document is that it will only include proposals that the Working Group thinks are reasonable and feasible, and that involve willing landowners and water users. 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 asked the group to consider joining the Working Group, or at least attending the next Working Group meeting.

Project Process

Mr. Ceppos explained that the project team (YBF and Jones & Stokes) has met individually with local stakeholders, including landowners, farmers, water users, all Yolo county supervisors, Congressman Doug Ose's office, and the State Reclamation Board, to introduce the project. A meeting with the U.S. Army Corps of Engineers (USACE) is forthcoming. He stated that one purpose of the project is to help landowners and water users in the Bypass, including the duck clubs (if they choose to participate), to make good business decisions regarding potential changes in land

uses. In the context of recent and potential future flood flows in the Bypass, Mr. Ceppos emphasized that the project will only involve willing participants and that private property rights must be respected.

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

Mr. Ceppos stated that most people have only a limited voice in CALFED's plans. Their primary option for input is to review and comment on the CALFED Environmental Impact Report/Environmental Impact Statement. However, the Working Group will be in the unique position of sending a direct message to CALFED about the concerns and interests of a geographic specific group of local stakeholders. This is an unprecedented opportunity, and he urged the group to consider participating.

Mr. Kilkenny asked how the group will be able to communicate with CALFED. Mr. Ceppos responded that CALFED representatives and individuals intimately involved with CALFED would be brought to future Working Group meetings, and that the final project document, which will be sent to CALFED, would outline the group's concerns and interests. As an example, he said that Dan Keppan of the Northern California Water Association will speak to the Working Group on December 16. Mr. Keppan is a member of CALFED's Ecosystem Roundtable, a group of regional leaders that represent multiple constituencies in the Central Valley, Bay Area, and Southern California. The Roundtable provides guidance, oversight, and decision-making authority over many of the technical and funding efforts of the ERPP. Mr. Keppan represents Northern California water users with interests similar to those of Bypass stakeholders.

Mr. Kilkenny asked if the duck club group would be notified of Working Group meetings. Mr. Ceppos responded that they would.

Mr. Martin stated that the CALFED process is complex and that it is difficult to understand how all the issues will affect duck clubs. He added that the effects would probably differ depending on each club's location within the Bypass, and that he would like to hear someone address the issues by location.

Mr. Ceppos answered that this project process would do exactly that. He stated that many people do not realize that CALFED does not necessarily have the technical data to back up its ideas, and added that CALFED needs feedback. To aid the group in understanding CALFED's proposals, Mr. Ceppos stated that copies of the CALFED's ERPP Strategic Plan for Restoration would be sent to meeting participants with the meeting minutes.

Mr. Ceppos asked if this project process seems worthwhile to the group, and if they would like to participate in upcoming Working Group meetings. The group responded that they would.

Mr. Ceppos asked if there were any further questions regarding the Management Strategy. There were none.

Overview of Vic Fazio Yolo Wildlife Area

Mr. Feliz introduced himself and explained that he wanted to give the group an overview of the design and maintenance of the Wildlife Area. He stated that the most important factor governing the Wildlife Area is that it is located in the Bypass, a flood control and conveyance structure. He emphasized that nothing could be done in the Wildlife Area that would impede flood flows.

Explaining the Wildlife Area's design parameters to meet flood conveyance requirements, Mr. Feliz stated that the Wildlife Area comprises 3,700 acres, including permanent wetlands (with up to 50% emergent cover allowed) and seasonal wetlands (limited to 5% emergent cover). He explained that the State Reclamation Board limits the amount of cover allowed. The different habitat types attract different species; for example, the larger permanent wetlands are great habitat for canvasbacks, and the seasonal wetlands provide good habitat for pintails. He explained that the amount of water the Wildlife Area can use is also limited, to meet requirements established by the Mosquito and Vector Control District.

Mr. Feliz explained that DFG is trying various management techniques and is working to vary the habitat in the Wildlife Area. They are working to create a mosaic of habitat structure types, varying vegetation heights and diversity and water depths. They are also creating swales and canals. He stated that DFG is seeing more diversity of bird species as a result of these efforts.

Mr. Feliz showed the group an aerial photograph of the Wildlife Area in late August 1999. He indicated the location of the hunting area (1,800 acres), the auto tour loop area, and the sanctuary area in the south. He stated that most of the birds are in the sanctuary area.

Mr. Feliz passed out a table of hunting results (from the 1999S2000 season) to the group. He stated that the Wildlife Area constantly receives new visitors and is becoming a popular area for hunting and birdwatching because of its location and the publicity it has received.

He asked if there were any questions.

Mr. Kilkenny asked how the hunting delay issue (regarding rice growers) could be addressed.

Ms. Perkins stated that wildlife areas were established in the Central Valley to keep ducks off of rice crops. If rainfall delays the harvest of rice, the opener of the duck hunting season may need to be delayed so that the birds do not leave the hunting areas and descend on the rice fields. She explained that DFG asks rice growers how much rice will be harvested by the planned opener, and makes recommendations based on their input.

Mr. Kilkenny stated that the Bypass should not be held to the same criteria as other areas in the region because so little rice is grown there. He added that the delay is devastating to the duck clubs.

Ms. Perkins responded that if the amount of rice grown in the Bypass is small enough that the delayed opener is not an issue there, then DFG needs to know that. Otherwise, the Bypass will be combined with the general region.

Mr. Paul asked who could make the decision regarding including the Bypass in the delayed opener.

Ms. Perkins responded that the DFG headquarters in Sacramento would make the decision. She added that she would carry the message that the Bypass opener should be considered independently of the rest of the region to DFG headquarters.

Mr. Loughman stated that the local rice growers need to let DFG know if the delayed opener is needed in the Bypass.

Mr. Smith stated that the duck clubs need to join forces to send a message to DFG.

Mr. Ceppos asked if an organization similar to the BSWA exists in the Bypass. The group responded that one does not.

Mr. Ceppos stated that the BSWA has been very effective in getting funding to solve the Butte Sink area's issues.

Mr. Smith remarked that the group should look at the example of Grasslands. He said that Grasslands has had incredible results from organizing and lobbying.

Mr. Isola said that a large issue is often required to bring people together. For example, the Grasslands group was formed when water was taken away. He added that CALFED might be the force that leads people in the Bypass to form an organization.

Mr. Smith stated that several small clubs and landowners formed the Tulare Basin Association. Now an \$800,000 state funded water delivery project is being delivered to the duck clubs in the association. He stressed the power of a unified voice.

Mr. Egan addressed the design of the Wildlife Area, asking why the middle parcel of land was not included. Mr. Feliz responded that the landowner, the Glide estate, did not make the land available for purchase.

Mr. Kilkenny asked why such a small number of hunters per acre are allowed in the Wildlife Area. Mr. Feliz responded that larger numbers of hunters cannot be accommodated yet because it is difficult for hunters to hide in the Wildlife Area, since there is not much vegetation cover. He said that DFG has created vegetated uplands (planted with summer annual species) this year to improve conditions for hunting. He said that this has worked well. He added that blinds would be too labor intensive to maintain because of seasonal flooding, although he might try installing a few in a small area.

Mr. Thompson suggested that hardy, perennial vegetation such as bulrushes be planted to provide a more permanent screen. Mr. Feliz responded that bulrushes planted in the past have not survived but that new plantings could work if placed in more appropriate locations.

North Delta National Wildlife Refuge

Mr. Harvey introduced himself and explained that he wanted to give the group an overview of the proposed Refuge project. He showed a map of the 50,000-acre study area and explained the history of the proposed project. He stated that the goal of the project was tidal restoration, with a focus on creating fish habitat.

Mr. Harvey stated that the Environmental Assessment (EA) for the project would be released by the third week of December, and that there would then be a 45-day comment period. The EA will recommend a 47,500-acre refuge; the boundary will be finalized in February. Once the EA comment period is over and the boundary is established, the project will move forward if there are willing sellers. He added that the Trust for Public Lands had purchased Liberty Island, which will be transferred to USFWS once the Refuge boundary is established. Liberty Island will then be the first unit in the Refuge.

Mr. Harvey raised the political concern of converting agricultural land to habitat. He stated that USFWS has made key commitments for protecting agricultural land within the study area.

He explained that agricultural land in the southern portion of the study area would be permanently converted to habitat as tidal action is restored. However, prime agricultural land in the northern portion would be preserved. USFWS would pursue agricultural easements on prime land within the Refuge boundary, including a total of 4,600 acres. The emphasis for this land would be on wildlife friendly agriculture. In addition, some of the land USFWS would purchase would continue to be farmed.

Mr. Harvey stressed that flood conveyance would be a significant factor in the project's design. Hydrologists would create a model to see if Liberty Island currently acts as a plug in the Bypass, and to investigate the effects of restoration options on flood flow conveyance.

Mr. Harvey also emphasized that USFWS does not want to create any regulatory burdens on adjacent landowners, and that no management activities would be undertaken that might decrease water available to landowners. He added that USFWS would ensure that no reclamation districts are negatively affected by transfer of land into the Refuge. He stated that USFWS would pay its fair share of any landowner debt.

Mr. Harvey explained that the success of the Refuge would depend on USFWS working with private duck clubs and land owners to coordinate their efforts regarding weed management, regulatory compliance, and other land management issues. USFWS would like the Refuge to benefit

local landowners and duck clubs; USFWS could be an advocate for the local stakeholders with state and federal agencies.

Mr. Dudley asked for an explanation of the concern about fish passage in the Bypass.

Mr. Ceppos responded that splittail, Delta smelt, and juvenile Chinook salmon move through the Bypass when it is flooded. When the water recedes, the fish can become trapped in ponds and depressions. Since these are endangered fish, this stranding is a concern, even though it may be a natural process. Resource agencies are investigating the extent of stranding that occurs, and are considering options for improving fish passage and preventing stranding.

Mr. Harvey stressed USFWS has not yet begun any habitat design effort, that nothing will be implemented without extensive modeling and planning, and that public input will be sought prior to any action.

Mr. Goodell asked if any landowners want to participate so far.

Mr. Harvey answered that the Glides were originally not receptive, but that they now might make some land available. He added that USFWS would not use condemnation to obtain land. He explained that the USFWS rarely uses condemnation.

Mr. Smith stated that in the future, the land in the south Bypass could potentially be under one of three ownerships: nongovernmental organizations, the Refuge, or private landowners. He added that Grasslands is similar. Until recently, he said, there was not much communication between the three ownership entities at Grasslands, which caused problems and rumors. Finally, USFWS, DFG, and Grasslands developed a cooperative land management agreement stating that they would work toward mutual goals. He recommended creating such an agreement in the Refuge at the onset. Mr. Harvey agreed.

Mr. Harvey stated that there is a perception that ducks are staying in sanctuary areas, leading to a decline in duck hunting on private wetlands. He said that the Refuge would be required to plan for fishing and hunting, and that public access would be allowed on approximately 20% of the land. USFWS would be required to prepare a public access plan, and a public input process would help define the land use and public access plan for the Refuge.

Mr. Thompson stated that the Wildlife Area does not provide enough access for hunting, and that even if more were provided, it would have to be good habitat to provide more hunting opportunities.

Mr. Isola explained that generally 40% of refuge land is open for public access (including hunting areas), and 60% of the land is in wetlands and uplands that are closed to the public.

Mr. Smith commented that Mr. Feliz's work at the Wildlife Area has been impressive and should provide much better hunting opportunities once it develops.

Water Bank and Conservation Reserve Programs

Mr. Isola introduced himself and explained that he would be giving an overview of some changes in the Water Bank and CRP programs. He distributed a handout summarizing wetland conservation programs. He explained that there is already a lot of land in wildlife easements in the Bypass, which is great for wildlife. He believes that the individuals managing for wildlife could form a coordinated group, such as the Grasslands group.

Mr. Isola said that two programs can help with funding management of year-round habitat in the Bypass: the state Presley Program, and the federal Water Bank Program (which is converting to the CRP).

He explained that the Water Bank program is being phased out, but that for a limited time participants could enroll in the CRP as a continuance of the program. The CRP has been approved as an extension of the Water Bank Program and, for the Bypass, will be run by Sally Negroni of the Solano County RCD (707/678-1655). He asked individuals to contact Ms. Negroni if their Water Bank contracts are coming up for renewal. Mr. Isola added that the CRP is more flexible regarding management and provides \$22 per acre, an increase from the Water Bank. He added that the Central Valley is now a CRP priority area.

Mr. Isola stated that through the CRP, agencies would assist landowners and duck clubs in evaluating habitat, and assessing habitat needs. The goal will be to strive for habitat diversity. He added that the program might target waterfowl, but would also work to provide other habitat, such as for shorebirds. From a habitat and planning perspective, this is an improvement over the former Water Bank program, which focused on brood pond habitat.

Mr. Smith stated that the duck clubs have long provided habitat but have not been given credit for it. He stated that the CRP will help them receive credit for the habitat they provide, and will help educate the public about the benefits the clubs provide.

Mr. Loughman stated that private clubs seem to have greater flexibility with habitat than the Wildlife Area does. He asked how much flexibility the Refuge would have.

Mr. Harvey responded that the Bypass is currently considered to be at flood conveyance capacity, so the Refuge will be constrained in opportunities to create habitat. He added that modeling of restoration options will be crucial to determine the effects, as will coordination with agencies.

Mr. Ceppos said that the State Reclamation Board has a clear vision of maintaining capacity in the Bypass, but that CALFED's goal is to expand habitat in the Bypass. If CALFED sees conflicts between flow capacity and habitat, it will work with the State Reclamation Board to obtain funding to solve conveyance issues. For example, CALFED could try to obtain funding to convert the Southern Pacific Railroad berm to a causeway.

Mr. Goodell asked if the conservation programs on the handout have enough money to cover any interested lands.

Mr. Isola responded that most of the programs on the list have good funding.

Mr. Smith stated that a bond act on the March 2000 ballot would appropriate funds for new contracts under the Presley program. Currently, the program only has enough funding for land already under contract.

Mr. Smith stressed that landowners who allow their Water Bank contracts to expire without converting to the CRP would never again be eligible for the CRP. The transfer must occur within the same year. He said that some Water Bank contracts expired before the CRP transfer was allowed and that these landowners missed out.

CONCLUSION

Mr. Ceppos asked if the group had any additional questions. There were none.

Ms. Kulakow asked if the group would like to hear someone from Grasslands or the BSWA speak. The group responded that they would.

Mr. Ceppos encouraged the group to participate in the Management Strategy and to attend the Working Group meetings.

The meeting was adjourned.