

**YOLO BYPASS MANAGEMENT STRATEGY
STAKEHOLDERS WORKING GROUP MEETING NO. 3**

DRAFT
Meeting Minutes

MEETING DATE: January 10, 2000

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

IN ATTENDANCE: Mike Bennett, Deseret Farms
Robert Brown, Bull Sprig Outing Duck Club
Bob Dorian, H Pond Ranch
Chuck Fulster Jr., Glide-In Ranch
Robert Gill, Gill Land and Farming
Dick Goodall, Glide-In Ranch
Mike Hall, Conaway Ranch
Mike Hardesty, Reclamation District 2068
Tom Harvey, U.S. Fish and Wildlife Service (USFWS)
Arline Jones, Lucky 5 Farms
Elmer Jones, Lucky 5 Farms
Greg Kassis, Glide-In Ranch
Dennis Kilkenny, Landowner
Yvonne LeMaitre, Glide-In Ranch
Bob Leonard, Yolo Basin Farms
Ken Martin, Rising Wings
Rick Martinez, Martinez Farming Co.
Duncan McCormack III, Yolo Ranch
Gary Moody, Yolo Wings
Dennis Murphy, Landowner
Teresa Brooks-Tanin, Capitol Oil Co.
Ray Thompson, Sky Raker Duck Club
Ed Towne, Bull Sprig Outing
Gary Wegener, City of Woodland
Will Wylie, H Pond Ranch
David Feliz, California Department of Fish and Game (DFG)
Sally Negroni, Natural Resources Conservation Service
Patricia Perkins, DFG
Ricardo Pineda, State Reclamation Board (Reclamation Board)
Tim Washburn, Sacramento Area Flood Control Agency (SAFCA)

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 Working Group meeting will be held on February 10, from 11 a.m. to 1 p.m. at the DFG Yolo Wildlife Area Headquarters. Lunch will be provided. Members of the Working Group are asked to call Jennifer Stock at 916/737-3000 to confirm their attendance.

ACTION ITEMS

1. Jones & Stokes will send information regarding the Sacramento and San Joaquin River Basins Comprehensive Study (Comprehensive Study), Executive Summary for the Proposed North Delta National Wildlife Refuge (North Delta NWR), Chronology and Timetable for the North Delta NWR, Questions and Answers on the North Delta NWR, Lisbon Gate Inundation Graphs, and North Delta NWR Workshop Flier handouts to the members of the Working Group.
2. Members of the Working Group were asked to send courtesy copies of any letters commenting on the proposed North Delta NWR Environmental Assessment (EA) to the Reclamation Board to make them aware of local concerns. The Reclamation Board's address is:

Ricardo Pineda
State Reclamation Board
1416 9th Street
Sacramento, CA 95814

DECISIONS MADE

1. The Working Group members agreed that they are interested in hearing from biologists about habitat issues in the Yolo Bypass (Bypass). They also agreed that it would be useful to review existing hydrologic data for the Bypass and to discuss potential future hydrologic modeling of possible to future habitat restoration options and flood flow conditions so that they can make informed decisions. These topics will be discussed at the next Working Group meeting.
2. The Working Group agreed to meet again in February. The meeting will be held on February 10 from 11 a.m. to 1 p.m. at the DFG Yolo Wildlife Area Headquarters.

3. The minutes from the previous Working Group (December 16, 1999) and duck club (December 7, 1999) meetings were adopted as final documents following review and comment by meeting participants.

SUMMARY OF MEETING

Introduction

Ms. Kulakow opened the meeting, provided introductory comments, and asked the attendees to introduce themselves.

Mr. Ceppos gave a brief overview of the project, explaining that YBF wanted local stakeholders to have a process through which they could influence and set parameters for discussing possible changes in land use in the Bypass, including habitat creation. He explained that the project is funded by the CALFED Bay-Delta Program (CALFED) under its watershed stewardship category. He added that the project team (YBF and Jones & Stokes) had met individually with stakeholders to explain the project and discuss stakeholders' interests and concerns. He stated that two Working Group meetings and one meeting of duck club representatives had been held, and that the two groups were now joined into one Working Group.

Mr. Ceppos concluded by explaining that the project would result in a document sent to CALFED, but that the project team has no preconceived idea of what this document will be or what it will say; the document will develop under the guidance of the Working Group. The document, and the entire project process, will allow landowners and other members of the Working Group to express their opinions to CALFED. The project strives to bring together many diverse opinions, including those of farmers, duck clubs, conservation entities, flood control entities, and other government entities.

Mr. Ceppos then asked if anyone wanted to suggest changes to the meeting minutes from the December 16, 1999 Working Group meeting or December 7, 1999 duck club briefing meeting. No changes were proposed and the documents were adopted into the project record as final.

Mr. Ceppos explained that today's agenda included presentations by Ricardo Pineda of the Reclamation Board, Tim Washburn of SAFCA, and Tom Harvey of the proposed North Delta NWR. After reviewing the agenda, Mr. Ceppos asked if there were any changes or additions. The agenda was accepted as presented.

State Reclamation Board Presentation

Mr. Ceppos introduced Mr. Pineda, chief engineer of the Reclamation Board. Mr. Pineda explained that the Reclamation Board was founded by the governor in 1911 to look at solutions to

flooding in the Central Valley resulting from post-hydraulic mining conditions, to address ongoing levee conflicts, and to reclaim historically flooded lands for beneficial uses.

Mr. Pineda added that the Reclamation Board currently works with the Sacramento District of the U.S. Army Corps of Engineers (USACE) to construct and improve levees in the Central Valley. The Reclamation Board works with USACE to assist local Reclamation Districts with flood management during flood events, levee maintenance, and levee rehabilitation after flood events; It also oversees the Sutter and Yolo Bypasses. The Department of Water Resources (DWR) maintains the Fremont Weir, Cache Creek Settling Basin, and Sacramento Weirs on behalf of the Reclamation Board. Mr. Pineda pointed out that the Sacramento Weir is the only operational weir providing inflow into the Yolo Bypass. DWR's maintenance includes regular activities such as debris and sediment removal. Large maintenance projects are done in cooperation with USACE. The state usually pays 35% of the total project cost. Other entities, such as SAFCA, often share some of the state's cost burden.

The Reclamation Board, Mr. Pineda went on, also administers the encroachment permit program to ensure that encroachments within flood control project (FPC) levees and designated floodways are constructed so as not to compromise the levees' and FCP's integrity. The permit process also examines whether proposed projects would create hydrologic changes during flood events or would affect the Reclamation Board's ability to repair and maintain levees as necessary. He explained that the regulations and permit process are found in the California Code of Regulations, Title 23, and on the Internet at www.calregs.com, and added that he would be happy to speak individually with anyone who has questions or plans that may require an encroachment permit. He can be reached at 916/653-5440.

Mr. Pineda stated that current Reclamation Board projects include installing seepage cut-off walls along the American River and raising levees in West Sacramento. He added that work on the Cache Creek Settling Basin had been recently completed and that only small elements remain to be completed on that project. Upcoming projects include construction improvements to levees along the mid-valley area of the Sacramento River system planned for 2001. These improvements are in response to the 1986 floods and are intended to upgrade the levees so that they safely contain the design flow capacity. These improvements would include upgrades to the east levee of the Bypass.

Mr. Pineda explained that the Reclamation Board's current study efforts include partnering on several USACE feasibility studies. These studies include a joint effort with SAFCA for flood control improvements on the American River, Sutter County flood control improvements, and flood control improvements to the Sacramento and San Joaquin River systems. He stressed that the goal of these studies is to reduce flood threats and damage. The studies weigh the net benefits of the proposed projects to society against the project costs.

Mr. Pineda then discussed the Comprehensive Study and distributed copies of the study's Interim Report to the meeting participants. Additional information regarding the comprehensive study will be sent with the meeting minutes. Mr. Pineda stated that the Comprehensive Study is an \$11 million study whose cost is split evenly between the state and USACE. The study was developed in response to the 1997 floods and is intended to produce a new flood control master plan for the system that may also include extensive ecological restoration opportunities. It is an attempt

to study flood control issues and will result in specific spin-off projects throughout the Sacramento and San Joaquin FCP.

Mr. Pineda added that the Comprehensive Study is evaluating ways to increase the capacity of the Bypass. He stressed that any specific proposed projects will first be evaluated in an open forum with public workshops and hearings. The projects will be required to comply with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

Mr. Pineda stated that the Reclamation Board wants to accommodate habitat restoration whenever possible, and that one of the goals of the Comprehensive Study is to integrate ecosystem restoration with flood control improvements. He added that the Reclamation Board strives to accommodate the habitat restoration permit requests it receives.

Mr. Pineda then asked if the attendees had any questions.

Mr. Martinez asked what permitting process is required for projects that would increase water in the Bypass. Mr. Pineda responded that the Interim Report includes proposals made by the state and USACE, so encroachment permits would not be required; however, NEPA/CEQA compliance and its associated public review would be. He explained that encroachment permit applications by non-state or federal entities are evaluated based on the likely resulting change in hydrology. Part of the application process, he added, is to notify adjacent landowners to get local feedback.

Mr. Martinez asked what the effects of the proposed North Delta NWR would be on flood duration and frequency in the Bypass. He pointed out that there are properties in the Bypass that do not have flowage easements, and that might be affected as a result of the proposed North Delta NWR.

Mr. Pineda responded that USACE had asked the Reclamation Board to investigate this issue. He explained that the proposed North Delta NWR is a federal project, and as such is not required to undergo an encroachment permit application process. However, he added, the Reclamation Board is seeking a memorandum of agreement (MOA) with the USFWS to ensure that concerns over increases in flood frequency, duration, and extent are addressed.

Mr. Pineda asked the group to send the Reclamation Board copies of any letters commenting on the EA for the proposed North Delta NWR so that the Reclamation Board can keep track of the public's comments.

Mr. Martinez asked if the Reclamation Board has a detailed listing of the easements on all the parcels within the Bypass. Mr. Pineda affirmed that they do. He then added that the state easements may not apply to properties affected by the proposed North Delta NWR, which is a federal project.

Mr. Martinez asked if current easements would be increased if actions conducted within the proposed North Delta NWR increase flood-related issues on land in the Bypass (e.g., flood duration).

Mr. Pineda responded that the current easements need to be evaluated to determine if they are sufficient to cover any increased impacts that result from the proposed North Delta NWR.

Mr. Fulster asked if there was truth to rumors he has heard of proposals to lower the Fremont Weir. Mr. Pineda responded that he has not seen any proposals for changes to the Fremont Weir in any of the alternatives being evaluated for the Bypass. He added that it is possibly a measure included in the Comprehensive Study because the study has tried to include all potential options, but that only measures included in proposed alternatives (collections of related measures) are being considered.

Mr. Ceppos stated that he too has not heard of any such proposal. He added that there is a preliminary discussion of making a portion of the Fremont Weir adjustable and possibly installing a fish ladder there so that water can be sent into the Tule Canal in low-flow conditions to allow fish habitat and fish passage in the Bypass in low-water years. Mr. Ceppos stressed that no specifics have been decided for this proposal and that this type of proposal is exactly why the Working Group was formed. He explained that the proposed project would only move forward with the involvement of the Working Group.

Mr. McCormack III asked if a gate at the Fremont Weir would increase flooding of the Bypass. Mr. Ceppos responded that the intent would not be to increase flooding, only to increase water within the Tule Canal. However, he added, a catastrophic failure of the gate could potentially result in flooding in the Bypass. Before any gate is designed, a hydraulic model would examine the effects of a possible failure of the gate. He added that CALFED has authorized the Bypass Management Strategy in part to investigate stakeholders' concerns about proposed projects such as the addition of a gate to the Fremont Weir. Comments such as Mr. McCormack III's will be relayed to CALFED through the project process.

Mr. McCormack III stated that he is not concerned so much with catastrophic events as with the overall intent and function of the gate. He expressed concern whether or not it would provide water managers, who are intent on protecting Sacramento urban areas, the flexibility to impact Bypass landowners by increasing flood frequency, duration, and extent by lowering such a gate.

Mr. Fulster asked if the water level in the Bypass would be raised if the east Bypass levee is raised 6 inches, as is currently underway.

Mr. Pineda responded that the current east Bypass levee project, entitled the "Mid-Valley Rehabilitation Project", is only raising the levee in places where it has subsided below its original design. Because the project will only bring the levee up to its original level, it can be done without mitigation. He stressed that if the water level in the Bypass increased as a result of the project, the increase would only be to the original design level. He added that he would be happy to have the person in charge of the Mid-Valley Rehabilitation Project contact Mr. Fulster to explain the project.

Mr. Fulster then asked why the Sacramento River is not dredged to address flood control problems. Mr. Pineda responded that some studies show that sediment supplies in the rivers are now cut off by dams upstream. He added that rivers in the area are actually subsiding, or scouring, as a result. He explained that dredging does not really work on large systems because it is expensive, and

the amount of capacity gained in the river would be much less than the capacity that could be gained by less expensive options in the Bypass.

Mr. Fulster expressed his impression that there is more water in the Bypass and that, in recent years, the Bypass has flooded earlier. Mr. Pineda responded that the last few years have been exceptionally wet and rainy.

Mr. Ceppos distributed graphs showing 35 years of data from DWR. He explained that the data show that flood frequency over those years has been fairly consistent. Mr. Fulster questioned the accuracy of the data, stating that he feels that the Bypass definitely floods more often, earlier, and for longer durations than in the past. Mr. Ceppos answered that, because of time constraints, the DWR data would be discussed at a later meeting.

Mr. Pineda stated that it is the intent of the Reclamation Board and USACE to increase the flood carrying capacity of the Bypass. He added that they do not yet know how this will be accomplished. He explained that many upstream communities want to improve their flood protection and that this will likely increase the amount of water in the Bypass.

Mr. McCormack III expressed concerns about a lack of security regarding flooding in the Bypass. He explained that landowners do not know when the Bypass will flood and if it floods more frequently or for longer durations to accommodate increased flood flows, farmers and duck club operators may not be willing to continue operating within the Bypass. He stressed that the farmers and duck club operators need to know the extent of the effects of flood control actions so that they can make informed business decisions regarding the feasibility of continuing to operate within the Bypass.

Mr. Pineda stated that any actions taken to change operations in the Bypass would have to undergo review under CEQA/NEPA. If the proposed project increases flooding beyond the current flowage easements, the easements will need to be increased.

Mr. McCormack III pointed out that no restrictions on acre-feet or timing of flooding are included in his easement. He added that many easements are equally general, and questioned whether this meant that these easements would not be increased.

Mr. Ceppos responded that landowners adjacent to Cache Creek and in the Cache Creek Settling Basin had taken the flood capacity improvement project to court and had been awarded increases to their easements as a result of the court's determination that proposed future flows exceeded those generally covered in existing flow easements.

Mr. Ceppos then asked what Sutter and Yuba counties are proposing that would affect the Bypass. Mr. Pineda responded that they are proposing raising levees. The modeling indicates that these changes would only increase water in the Bypass in rare events.

Mr. Ceppos stated that the proposed new Water Bond (due for state vote in March 2000) has extensive language regarding proposed flood control facilities north of the Bypass. He suggested

that the Working Group might benefit from a speaker who could address the March Water Bond at a future meeting.

Mr. Goodall stated that people are concerned about water wars recurring if new levees are built upstream. He added that he is concerned that the new West Sacramento levee is 3 to 5 feet above the level of the Interstate 80 causeway.

Mr. Pineda responded that the West Sacramento levee project raised the levee and that, as a result, flooding in the Bypass would indeed increase during a flood event. He added that the project went through the usual public review process, including public workshops. He acknowledged that these meetings were not well attended and that the project proponents did not make an effort to identify and contact specific landowners in the Bypass. He stated that the levee project was designed to protect West Sacramento from the Sacramento Bypass (the flow channel between the Sacramento Weir and the Yolo Bypass) downstream to a point along the Deep Water Ship Channel.

Mr. Hardesty asked whether the Reclamation Board can address any changes to the Bypass proposed by federal agencies, since the federal government does not need to acquire encroachment permits.

Mr. Pineda reiterated that the Reclamation Board is seeking an MOA with USFWS for the proposed North Delta NWR project. He added that the Reclamation Board does not have MOAs with the federal government for the Sutter or Sacramento River Wildlife Refuges.

Mr. Hardesty stated that impacts declared individually as insignificant during the CEQA process could cumulatively become significant. He asked how the Reclamation Board planned to address this.

Mr. Pineda answered that the Comprehensive Study is looking at this issue. He stated that the Reclamation Board has heard this concern from the public, and is trying to evaluate projects cumulatively as well as individually.

Mr. Pineda concluded by stating that he would be happy to address the group again at another meeting and would be willing to bring additional speakers to address specific issues or concerns. He asked the group to inform Mr. Ceppos and Ms. Kulakow of issues and concerns that are worth addressing in the future. He stated that he would also be happy to answer any questions stakeholders have in the future, and invited the group to relay any such questions to him through Mr. Ceppos and Ms. Kulakow.

SAFCA Presentation

Mr. Washburn began by giving a brief introduction of SAFCA. SAFCA, which represents \$37 billion in flood damageable land and other assets in Sacramento, was formed after the 1986 flood to devise protective measures for the area. Two problems are presently facing SAFCA: the

need to stabilize local levees, and the inadequate capacity to hold flood waters in the American River Basin near Natomas and Folsom.

Currently, a 33-mile project extending from Verona to Freeport involves installing slurry walls in levees to minimize seepage and stabilize the levee system along this reach. Providing an acceptable response for increasing holding capacity and improving flood control has been more difficult.

In the past, the proposed Auburn Dam Project was intended to improve holding capacity and alleviate the risk of catastrophic flooding in Sacramento. The proposed project was rejected by Congress in 1992 and 1998, which led to a need for flood control alternatives. The two prominent options are to raise and strengthen the levees around Natomas or to raise the Folsom Dam. Raising the levees around Natomas, at Dry and Arcade Creeks, would increase the American River's carrying capacity and create the need to offset downstream impacts. Raising the Folsom Dam 6-12 feet would increase the holding capacity at the reservoir without impeding reservoir functions. Raising the Folsom Dam seems to be the option favored by SAFCA and the Bureau of Reclamation, but more information is needed from USACE to solidify this option. This addition would allow for more effective management of floods, decreasing the likeliness of a catastrophic event. SAFCA will aggressively continue to pursue enlargement of the Folsom Dam and increased storage in the American River Basin.

Mr. Murphy asked if there were any plans to raise Shasta or Oroville Dams.

Mr. Washburn replied that neither of those dams are in SAFCA's jurisdiction. He added that SAFCA is interested in any projects stakeholders may propose that will help to increase conveyance capacity and that will link agricultural, grazing, flood control, and environmental interests. He stressed that extensive discussion of all concerns would be necessary before any proposals can be made for the Yolo Bypass.

Ms. Tanin inquired if the Auburn project is no longer an option being considered.

Mr. Washburn answered, that due the amount of opposition it has faced, it is no longer being considered an option.

Mr. Ceppos asked what the proposed cost for the Auburn Dam was in 1996.

Mr. Washburn said the cost was roughly \$1 billion. The costs of the proposed Bypass projects are estimated at \$125 million for the improvements to Sacramento and the Yolo Bypass and \$175 million for improvements along the American River. Though this proposal was less expensive, it would not have produced the same beneficial results as storage.

Mr. Leonard asked what is proposed for the Yolo Bypass.

Mr. Washburn replied that there are proposals to widen the Sacramento Bypass by setting back the north levee of the area approximately 1,000 feet and to raise levees east and west of the American River.

Mr. Washburn continued that it would be helpful if the Working Group had factual data to help the stakeholders understand what the potential impacts of different scenarios would be. Technical models would illustrate the effects of these various scenarios. Mr. Washburn also noted that Garden Highway residents would like to see the Sacramento Weir's gates remain permanently open.

Ms. LeMaitre expressed concern over actions taken to protect one area that might result in the increased flooding of another area.

Mr. Washburn assured the group that most proposals are made to protect the region against flood events exceeding those previously experienced, as opposed to usual conditions. But, he added, economic decisions need to be made to determine where floods would do the least amount of damage.

Ms. LeMaitre stated that levees need to be of a quality that will hold water during a large flood.

Mr. Pineda interjected that this is the reason the levees are being improved.

Mr. Ceppos explained that this type of discussion is part of the reasoning behind founding the Working Group. The Working Group will provide guidance and input to agencies such as SAFCA as to what should be modeled before improvement options can be considered.

Mr. Kassis stated that most flowage easements were acquired in the 1940s. He asked if any easements are being acquired today.

Mr. Washburn answered that no flowage easements have been issued in the Bypass in recent years.

Mr. Ceppos stated that stakeholders have indicated to him that, at some point, it might not be effective to farm or run a duck club in the Bypass if flood flows and durations are increased, and that if this happens the land should be acquired; flowage easements can be effectively expanded only to a point.

USFWS Proposed North Delta NWR Presentation

Mr. Harvey passed out a chronology, a list of frequently asked questions, and an executive summary of the EA for the proposed North Delta NWR, and gave a brief overview of the proposed North Delta NWR.

Mr. Harvey explained that the EA document addressed to the establishment of a refuge boundary. The effects of the boundary are evaluated to comply with NEPA regulations. Another NEPA document would have to be prepared before any on-ground changes or developments take place, and such a future document would further evaluate issues such as hydrology and vegetation.

Mr. Harvey explained that the preferred refuge boundary alternative is proposed in the EA. He said that he would be happy to send a copy of the EA to anyone who would like one, and added that the comment period extends until February 5, 2000.

The components of the EA include:

- # **Flood control.** Changes to hydrology will be carefully scrutinized. Since the system is at capacity, anything done on the ground must improve conveyance or remain hydraulically neutral.
- # **Agricultural lands.** The proposed boundary excludes 5,000 acres of prime agricultural land in Solano County and 4,600 acres in Yolo County, although it does include approximately 3,331 acres of prime agricultural land in Yolo County. USFWS is committed to not acquiring this land; at most, easements would be placed on it. USFWS hopes that this land will be used for habitat friendly agriculture. Approximately 2,500 acres of non-prime agricultural lands are included in the boundaries; this land will be maintained in agriculture through cooperative farming and grazing programs.
- # **Endangered Species Act.** USFWS is committed to not increasing regulatory burdens on the proposed North Delta NWR's neighbors. The proposed North Delta NWR will try to set up a Safe Harbors agreement and a programmatic biological opinion and will help neighbors to implement best management practices. USFWS would like to work with DWR and other agencies to create mitigation credits through restoration of the proposed North Delta NWR's lands. Adjacent landowners and agencies could use these credits to offset other activities.
- # **Cooperative agreement.** The proposed North Delta NWR would enter into cooperative agreements with fee-assessing entities such as fire districts and reclamation districts, so that local entities are reimbursed 100% for services rendered.

Mr. Kilkenny asked if this would be established at the outset.

Mr. Harvey answered that it would and that any new levees or structural improvements needed would be paid for by USFWS. He then continued to describe the EA components.

- # **Water use.** USFWS is committed to ensuring that water associated with a certain parcel of land will stay with that land and that water will not be exported out of the region/Bypass. However, points of diversion may be shifted on specific parcels to modify water delivery and application options.

Mr. Harvey further explained that the proposed North Delta NWR is advocating a mix of land protection efforts and will work with landowners to keep their lands private and with other agencies (if changes of jurisdiction are proposed). Mr. Harvey expressed hopes that the proposed North Delta NWR would benefit landowners. For example, the proposed North Delta NWR is interested in developing an MOA or cooperative agreement between USFWS, other agencies, and

duck clubs to coordinate flood protection, public use, and management techniques. Mr. Harvey stressed that USFWS is not trying to force the proposed North Delta NWR on people; he stated that USFWS has been approached by interested landowners, organizations, and agencies.

There will be two public meetings this month to discuss the proposed North Delta NWR, one on January 17 in Davis and one on January 31 in Vacaville. The 45-day comment period ends on February 5, 2000. *According to a conversation with Anita DeLong on January 18, there is a possibility of a 15-day extension. Call Ms. DeLong at (916)979-2086 for further information.* There will also be public workshops sponsored by YBF, Yolo County, and the Yolo County Farm Bureau. Mr. Harvey would be happy to meet with people individually or to address groups to discuss the proposed North Delta NWR. He stated that he wants to be very open about the proposed North Delta NWR, adding that the project must be publically supported it to succeed. Mr. Harvey's address is:

Tom Harvey
U.S. Fish and Wildlife Service, North Delta National Wildlife Refuge
2233 Watt Avenue, Suite 203
Sacramento, CA 95825
Phone: 916/979-2086
Email: Thomas_Harvey@fws.gov

Mr. Fulster asked if the proposed North Delta NWR would pay reclamation district taxes if it buys land. He expressed concern that taxes would increase for landowners if the North Delta NWR does not pay them.

Mr. Harvey answered that if the proposed North Delta NWR buys land in a Reclamation District, it will enter into a cooperative agreement to make payments, in lieu of taxes, to make up for the loss of income to the county.

Mr. Hardesty commented that payments in lieu do not generally filter down to the Reclamation District.

Mr. Fulster then asked if there are any current easements that are part of the proposed North Delta NWR.

Mr. Harvey responded that lands under easements are included in the proposed North Delta NWR and that USFWS would not acquire this land in fee. The proposed North Delta NWR would work with landowners and would consider establishing easements for wildlife friendly agricultural processes.

Mr. Fulster inquired if the farmers will be permitted to grow sugar beets or tomatoes instead of habitat friendly crops such as corn or grain, which are not as economically viable.

Mr. Harvey answered that the easements are not yet established and the land will have to be reviewed on an individual basis to determine what farmers can do to benefit wildlife. Then the economic impact on farmers can be assessed and an easement set up to cover the loss of revenue and costs. He stressed that this would all occur on a voluntary basis and depends on willing sellers.

Mr. Fulster then asked if USFWS would dictate what crops are grown within the proposed North Delta NWR boundaries.

Mr. Harvey said that USFWS could not dictate anything for any privately owned land within the proposed North Delta NWR boundary. Any changes implemented would be in cooperation with willing landowners.

Mr. Thompson asked if fire district rates would increase if USFWS elects that the proposed North Delta NWR not be a part of the district, but acquires land within the district boundary. His concern was ensuring that an undue financial burden is not placed on remaining paying district members.

Mr. Harvey responded that fire district coverage already exists on the land, and USFWS would set up an agreement to pay the district the same rate currently paid.

Mr. Martinez asked if USFWS will be billed per acre, as would a drainage district.

Mr. Harvey answered that the amount would be negotiated. He added that he is not sure if the proposed North Delta NWR would pay an amount based on specific use or a set, annual fee.

Mr. Kilkenny stated that this could bankrupt the fire district.

Mr. Harvey acknowledged that he would have to look into this issue some more. He stated that the Sacramento Wildlife Refuge is invoiced annually, rather than based on use, so there is precedence to do this.

Mr. Kilkenny commented that the proposed North Delta NWR would increase fire fuel and that there would also be a need to provide emergency medical services to increased public users. These expenses would need to be covered by payments to the fire district.

Mr. Harvey agreed that there would be more fuel with more habitat, creating an increase in burn frequency. He agreed that these issues will have to be addressed. He added that nuts and bolts of the proposed North Delta NWR still need to be examined.

Ms. Negroni wondered what types of habitat would be targeted in the northern part of the proposed North Delta NWR, since the EA states the main goal in the south is to provide fishery habitats.

Mr. Harvey answered that the fishery habitat focuses on tidally influenced land in the south, where tidal restoration would occur.

Mr. Fulster asked if there was a plan to lower the levee along the west side of the Toe Drain.

Mr. Harvey replied that he has not heard of any such plans and that the levee has been breached since 1983 at Little Holland Tract. He added that it is difficult to speak about specifics

until specific proposals are made, modeling is done, and public meetings are held. He then asked if there were any last questions.

There were none.

CONCLUSION

Mr. Ceppos thanked everyone for attending and stated that there is a clear need to discuss more specific issues regarding future flood conveyance improvements, and to bring the Reclamation Board back with modeling information.

Mr. Ceppos said the Working Group should call Robin Kulakow at 530/756-7248 or Dave Ceppos or Alice McKee at 916/737-3000 with any issues they would like the Reclamation Board to address, or if they have any topics they would like to have future speakers address.

The next speakers will be biological experts discussing possible habitat improvements. The Working Group is at the point where they should begin examining existing data and making decisions about what they would like modeled so that decisions can be made.

Mr. Kilkenny stated that these meetings are very useful for getting information.

Mr. Pineda said that if he is given the Working Group's mailing list, he will use it to send the Working Group information in the future. Mr. Ceppos and Ms. McKee clarified that the database of stakeholders prepared for this project is and will remain confidential until individual stakeholders authorize the release of their contact information.

Ms. Kulakow reminded the stakeholders that the next meeting will be held February 10, 2000.

The meeting was adjourned.