

**YOLO BYPASS WORKING GROUP  
MEETING 35  
MEETING MINUTES**

**MEETING DATE:** June 3, 2005

**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 (Foundation)  
Dave Feliz, California Department of Fish & Game (DFG) Yolo Wildlife Area  
Jeff Weaver, DFG  
Marina Brand, DFG  
James Navicky, DFG  
Tom Schroyer, DFG  
Dave Ceppos, Center for Collaborative Policy  
Dan Tibbits, US Army Corps of Engineers  
Jack DeWit, DeWit Farms  
Mike DeWit, DeWit Farms  
Selby Mohr, Mound Farms  
Tess Dunham, Larry Walker and Associates  
Phil Hogan, Natural Resources Conservation Service  
Betsy Marchand, State Reclamation Board  
Dave Brown, Sacramento Yolo Mosquito Vector Control District (District)  
Casey Walsh Cady, California Department of Food and Agriculture  
Mike Hall, Conaway Preservation Group  
Regina Cherovsky, Conaway Preservation Group  
Mark Hennelly, California Waterfowl Association (CWA)  
Jason Rhine, CWA  
Lauren Hastings, California Bay Delta Authority  
Mike Hardesty, Reclamation District 2068  
Lori Clamurro, Delta Protection Commission  
Mel Castle  
Ed Towne, Bullsprig Outing  
Jack Palmer, H Pond Ranch  
Dennis Kilkenny, Dawsons Duck Club  
Mark Kearney, Landowner  
Phil Martinelli, Channel Ranch  
Don Stevens, Glide-in Ranch  
Dave Kohlhorst, Glide-In Ranch  
John Legakis, Senator Outing  
Robert Gill, Landowner  
Bob Schneider, Tuleyome  
Brian Plude, Brown and Caldwell  
Steve Macauley, Foundation  
Ted Sommer, Department of Water Resources (DWR)

Marianne Kirkland, DWR  
Jim Long, DWR  
Michael Perrone, DWR  
Laura Patterson, DWR  
John Reynolds  
Petrea Marchand, Yolo County  
Butch Hodgkins, Sacramento Area Flood Control Agency (SAFCA)  
Michelle Hladik, US Geological Survey (USGS)  
Jim Orlando, USGS  
Brad Burkholder, DFG

### **Meeting Introduction**

Dave Ceppos called the 35<sup>th</sup> meeting of the Yolo Bypass Working Group (Working Group) to order. The Working Group was started five years ago with funding from the CALFED Bay-Delta Program (now the California Bay Delta Authority, [CDBA]). The group continues to be funded through CBDA. It is the primary forum for Yolo Bypass (Bypass) issues, specifically on Bypass conditions as related to landowners, tenants and regulatory entities that have a direct responsibility or land ownership responsibility in the Bypass.

Phil Hogan, District Conservationist with the of the Yolo County Natural Resource Conservation Service presented an award to Robin Kulakow for Yolo Basin Foundation from NRCS for continued and outstanding work in habitat conservation and environmental education.

Mr. Ceppos reviewed the previous meeting minutes and adopted them as final after receiving no requests for changes

### **Update on West Nile Virus Conditions and Regional Mosquito Abatement / Vector Control Activities (Dave Brown, Sacramento Yolo Mosquito Vector Control District)**

Dave Brown announced that there was very little West Nile Virus (virus) activity to date due to mild weather. There has been one equine case in the north state. That said, Mr. Brown said they are waiting and anticipating dramatic increases in mosquito populations and that everyone should start getting prepared for a difficult summer. He explained that all the risk factors (temperature, available water, vector migration, etc) seem pointed to a challenging event

Mr. Brown explained that at the state level, the District is working with other groups to get additional funding for control of the virus. The State Assembly dropped the requested \$12 million in funding from the Governor's budget.

There will be a District open house on June 18<sup>th</sup> from 10 am to 3 pm at their Elk Grove facility.

Q. Mark Hennelly asked about status of Assembly Bill (AB) 1982 which covers funding for managed wetlands best management practices.

A. Mr. Brown said that the bill was funded for \$750,000 for one year only. He explained that there is a need for much more money to fix water structures on all wildlife areas. \$98,000 has been made available for the Yolo Wildlife Area for discing joint grass. Mr. Brown reiterated that management of vegetation is very important to control disease vectors.

Mr. Hennesley stated that no funding was made available for private wetlands. CWA tried to get funding for private clubs but was unsuccessful. Joint grass remains a problem on duck clubs and the District needs to be able to show that managing joint grass and other vegetation will decrease the need for spraying.

### **Update on Yolo Bypass Wildlife Area (Dave Feliz, DFG Yolo Wildlife Area)**

Mr. Feliz stated that it had been a normal spring until May 20 when the Bypass flooded. Water levels at the Lisbon Gauge reached 13 feet. At 10 feet, parking lot “F” goes under water. The flooding on the Wildlife Area was a combination of flows from the Sacramento River system and Putah Creek which was flowing at approximately 850 cubic feet per second during the flood event. The results of the flooding may prove challenging. The cocklebur has received an early irrigation which will likely contribute to an abundance of that plant this coming season. Many Wildlife Area roads went underwater and some needed repair. Nesting areas for pheasants were flooded and will probably be devastating to pheasant populations this season. Safflower that was planted for doves went underwater as did several fields of white rice. All of the safflower was replanted to get a follow up crop on the flooded areas.

As previously discussed by Dave Brown, the Wildlife Area and District are partnering to implement AB 1982. Several North American Wetlands Conservation Act (NAWCA) projects are underway. Staff from several organizations and agencies are working together to implement these projects. Examples include revising habitat areas with swales and islands, and creating micro topography in each management unit that can then be drained independently for mosquito and vegetation control. As earth moving takes place, it is creating a boon for several bird species such as pelicans and herons. On a related note, the Wildlife Area’s newest Wetlands Reserve Program project will start this summer

The Wildlife Area hosted an open house at the Tule Ranch in April. 200 people showed up and enjoyed a great exhibit of wild flowers. Jepson Prairie docents volunteered to help put on the event.

A young bull Tule Elk wandered very close to the Bypass in April. It had been released on the DFG Grizzly Island Wildlife Area in February. Mr. Feliz’s previous experience at Grizzly Island showed that it sometimes doesn’t work to bring new bulls there. Radio telemetry from a collar showed that the elk swam Montezuma Slough, stayed near Jepson Prairie for a few days, and then continued over to the lower Bypass. It was recaptured on the Bowsby Ranch and moved up to the Cache Creek herd. As of today, he is still there in an area near the intersections of Highway 20 and 16.

Q. Why can’t we have elk on the Yolo Wildlife Area?

A. They are very big and don’t honor fences lines and other infrastructure very well. They would easily wander over everyone’s property. Also, they would be very hard to move quickly when the Bypass floods.

## County Water Resources Coordinator

The Yolo County Water Resources Association (WRA) is starting the planning process. Petrea Marchand described the County's recent role in assessing options for natural resource improvement projects, including but not limited to a study of options for the Fremont Weir. Ms. Marchand clarified the County's role studying several options and she stressed that the County is not pursuing any specific project at this time the issue. The County has convened a small group of fisheries and other related specialists to discuss potential projects. Any projects considered feasible will be integrated into the larger water resources plan.

Ms. Marchand stressed that the Bypass Management Strategy is and will be an important source of information for the plan. The WRA has applied for State Proposition 50 (Prop 50) money for the integrated plan. The planning process will have broad public participation as well as support from several water related agencies. The planning work is expected to start in 2006 and will proceed regardless of getting Prop 50 funds. The County has hired a facilitator and is writing preliminary issue papers. Comments and inquiries are welcome and should be directed to either Ms. Marchand ([Petrea.Marchand@yolocounty.org](mailto:Petrea.Marchand@yolocounty.org), (530) 666-8835) or Tim O'Halloran, General Manager at ([info@ycfewcd.org](mailto:info@ycfewcd.org), (530) 662-0265). Interested parties can also contact Donna Gentile at [wra@dcn.org](mailto:wra@dcn.org) to get involved.

- Q Mr. Feliz asked if wetlands and shorebird habitat will be included in the plan.  
A. Ms. Marchand said most likely it will.

- Q. Jack Palmer asked what the study at Fremont Weir is about.  
A. Ms. Marchand explained that the study is assessing fish passage issues and options to minimize fish stranding.

Ms. Marchand reported on Yolo County mercury issues. The County is commenting on the Regional Water Quality Control Board's (RWQCB) Total Maximum Daily Load (TMDL) process on Cache Creek. The TMDL that will be established for Cache Creek will also be for the Bypass. The RWQCB will be voting on the TMDL levels at their June 23<sup>rd</sup> meeting. There is a concern at the County about how the RWQCB will handle the design and location of wetlands, particularly in the Bypass and as they relate to the methylation of mercury. The County has concerns about the TMDL recommendations, proposed methods to control discharges of constituents of concern, the associated costs, etc. Casey Walsh noted that there is a good science program publication on mercury issues available on the CBDA website. She stated that if wetland design has the potential to affect methyl mercury production, there must be a remediation plan and monitoring. Ms. Marchand noted that County has a concern that remediation and avoidance costs will fall on private landowners with no help from the RWQCB. Mr. Hennelly noted that mercury issues are affecting wetland restoration in the Delta and that it could happen in the Bypass as well.

### **Discussion of Proposed Landowner BBQ / Meeting (Dave Ceppos, CCP, Mark Hennelly, California Waterfowl Association; Working Group Landowner Advisory Committee)**

Mr. Ceppos started the discussion by reading a RWQCB statement on wetlands and mercury. He then explained that this is good example why the Working Group is hopefully an important forum for landowners and why he and Ms. Kulakow are trying to determine if the group needs to be revised in some way. Don Stevens noted that Wednesday meetings are not good during the

duck season. Phil Martinelli said that some of the duck club owners attend the State Fish and Game Commission meetings and encouraged Mr. Ceppos to not schedule Working Groups meetings on commission meeting dates. Mr. Ceppos described that the Group's Landowner Committee met recently to discuss options. He stated that the Committee feels that continued landowner participation is important. They suggested that an evening barbeque/discussion be planned for this summer. A show of hands by landowners present showed that there is interest in a landowner focused event in mid July or early August. Mark Hennelly asked duck club owners present to get support from other landowners to attend and stated that this will be a good opportunity to focus on landowner issues and talk about strategies for increasing landowner participation.

Selby Mohr talked about agency participation and pointed out that at the last Working Group meeting, 50 percent of the participants represented agencies. He asked whether these agencies can go back and evaluate who really needs to be at the meeting. He said that the reason that fewer landowners are participating is due to perception that there are too many agencies attending. Mr. Feliz noted that it's a tough balancing act; that it's good for landowners to hear what is going on with agencies. Regina Cherovsky said that the presence of so many agency people affects what landowners are willing to say.

Ms. Cherovsky suggested that it might help to have agency staff attending to say why they are here. But she also said that it is important for landowners to get what is inhibiting them out on the table as well. It is important that agencies recognize that landowners don't always trust agencies. Another participant stated that landowners need to recognize that the agency people in the room could be their best allies. Marianne Kirkland supported the idea that people say what their interest is. For example, she brought two new people because they are going to write the DWR fish passage report. Jim Weaver stated that to inhibit agency participation makes it more difficult to collaborate. As an agency person, it is easier to work with people when you can connect a face and personality with a name; it makes it easier to work together.

### **Results / Recommendations of the Lower Bypass Stakeholder Process Feasibility Assessment (Dave Ceppos, CCP)**

Mr. Ceppos started the discussion by listing the interview participant categories. CCP interviewed about 50 people. CCP has prepared an initial conclusion that shows it is feasible and warranted that a Lower Bypass group be convened. The study will be available in a few weeks on the CCP website, and possibly the Foundation website also. Hard copies will be available to all interview participants.

Q Mike Hardesty asked a question on baseline conditions. Will a stakeholder discussion need to go back in time to determine baseline conditions?

A. Mr. Ceppos stated that it's likely there will have to be a period of education so everyone understands all of the conditions and that a future group will need to decide how far back in history they want to bracket their discussions.

Q Betsy Marchand asked how CCP handled assessing differing opinions within agencies.

A. Mr. Ceppos acknowledged that there is always a limitation when interviewing agency representatives because limited resources don't allow large numbers of interviews within each agency. He stated that the interview process does its best to ask comprehensive questions and confirms that a participant knows they are answering to the best of their ability on behalf of their

agency.

Q. Bob Schneider represents the local conservation group, Tuleyome. They will want an oversight function.

A. Mr. Ceppos confirmed that if a group starts up, there will have to be a robust outreach effort to ensure that the general public is aware of, and involved with the process.

Q. Don Stevens asked why CCP chose to have the south boundary of the Wildlife Area as the north boundary of the Lower Yolo Bypass study.

A. Mr. Ceppos described that the duck clubs in the Lower Bypass were believed to potentially be affected by habitat management efforts on the Wildlife Area. The issues may not be as critical as levee failures but that the clubs should still have a voice in the process.

Q. Mr. Mohr asked if a lack of agency participation is a “show stopper”. More specifically, he asked if a process can start without the U.S. Army Corps of Engineers for instance.

A. Mr. Ceppos stated that missing agencies in a process like this is not ideal but that a process can start without them and see whether they can find the resources and other incentives to join the process. He further stated that having certain key agencies absent throughout an entire process can prohibit the process from resulting in durable and sustainable outcomes.

Lauren Hastings stated that CBDA managers are very supportive of this proposed effort and that it is a line item of the proposed CBDA multi year budget but she also cautioned that the budget has not been approved yet.

### **Yolo Bypass Water Quality Management Plan - Recap and Look Ahead (Tess Dunham, Larry Walker Associates)**

Tess Dunham stated that the Management Plan is complete and is available in electronic format. She reiterated that the stakeholder process included a diverse group including representatives from local cities, agricultural interests, resource agencies, and other Federal and State agencies. Ms. Dunham discussed some of the conclusions in the report. The Bypass has water quality issues on many levels including storm water discharges, effluent discharges, agricultural return water, Putah and Cache Creek flows, and Willow Slough flows. Beneficial uses in the Bypass include: agriculture, wildlife, fish passage and spawning, and recreation.

The study included 12 total sampling sites. Sacramento and Fremont Weirs were only collected once at flood stage. The other 10 primary sites included the Knights Landing Ridge Cut, Cache Creek, Willow Slough, the Wildlife Area, Putah Creek, the Z-drain, two Woodland sites, the Tule Canal, and the Toe Drain. The results indicate that listed elements had a least one exceedence of water quality criteria including the following: aluminum, boron, chromium, total mercury, methyl mercury, total dissolved solids, and conductivity. Conductivity appears to be a concern, associated with the current salinity levels. E coli had high counts but this is not necessarily an indicator of human pathogens from waste water and it may be due to high wildlife use. However, high methyl mercury levels should be of interest to downstream landowners as they may have to incur cleanup costs in the future. There were not high levels of toxicity from pesticides as had been expected. Similarly, there were surprisingly low levels of pesticide in the Ridge Cut coming down the Colusa Basin. Methyl mercury was detected at 6 sites and it exceeds levels that are expected from new RWQCB TMDLs. The pollutants studied were

prioritized based on stakeholder discussions. High priority items included: total coliform, boron, aluminum, mercury, and salinity.

**Brief Update on Colusa Basin Drainage Concept and the Working Group's Colusa Basin Committee (Dave Ceppos, Center for Collaborative Policy)**

Mr. Ceppos reported that the Colusa Basin Drain study was recently completed by CH2MHill consultants. The Working Group's Colusa Drain Committee is meeting June 27 at Yolo County annex in Davis to discuss the report with the study proponents and study consultants. This will be the first review of the report with stakeholder representatives. Interested stakeholders should contact Dave Guy at [dguy@norcalwater.org](mailto:dguy@norcalwater.org) or 916-442-8333 for a copy of the executive summary.