

**Draft Minutes  
Yolo Bypass Working Group  
Meeting 38**

**September 18, 2006  
10:00 to 1:00.**

**Yolo Wildlife Area Headquarters  
45211 County Road 32B, Davis**

**IN ATTENDANCE:** Robin Kulakow, Yolo Basin Foundation (Foundation)  
Dave Ceppos, Center for Collaborative Policy (CCP)  
Cesar Blanco, US Fish and Wildlife Service (USFWS), Anadromous Fish  
Restoration Program  
Casey Walsh Cady, California Department of Food and Agriculture  
Debra Chase, Tuleyome  
Regina Cherovsky, Conaway Ranch, RD 2035  
Jacques DeBra, City of Davis, Public Works  
Jack DeWit, DeWit Farms  
Chuck Dudley  
Linda Fiack, Delta Protection Commission  
Dave Feliz, Dept. of Fish and Game (DFG) Yolo Wildlife Area  
Erin Gable, Office of Senator Torlakson  
Dick Goodell, Glide In Ranch  
Mike Hall, Conaway Ranch  
Mark Kearney, Landowner  
Dave Kohlhorst, Glide-In Ranch  
Marianne Kirkland, Department of Water Resources (DWR)  
Mick Klasson, Consultant  
Dean Kwasny, DFG  
John Legakis, Senator Outing  
Steve Macaulay, California Urban Water Agencies  
Steve Mahnke, DWR  
Betsy Marchand, Foundation  
Julia McIver, Yolo County  
Robert Moore, CBH/SAA  
James Navicky, DFG  
Jennifer Navicky, DFG  
Michael Perrone, DWR  
Dave Pratt  
Paul Robins, Yolo County Resource Conservation District  
Ken Rood, Northwest Hydraulics Consultants  
Bob Schneider, Tuleyome  
Tom Schroyer, DFG CALFED Grant Management  
Mary Scruggs, DWR, Division of Planning and Local Assistance (DPLA)-  
Conjunctive Water Management Branch  
Don Stevens, Glide-in Ranch  
Ed Towne, Bullsprig Outing

Tasmin Eusuff, DWR, DPLA  
Greg Weber, CCP

### **Meeting Introduction**

Dave Ceppos opened the meeting by welcoming everyone and noting the passing of Ruth McCormack and Selby Mohr's father. Introductions were made. Dave reviewed the previous meeting summary and asked if there were any proposed revisions. Steve Macauley commented on the Delta Vision notes in the minutes for meeting 37. He said that the farmers are participating in the exercise, not leading it as implied in the draft minutes. He gave Robin comments to use in making his requested edits to the minutes. Dave Feliz asked that we strike the line on page 6 about losing 25% of grazing income as that is not accurate. Dave Ceppos stated that these revisions would be made and that the revised summary would be then added into the project record as final.

### **Yolo Bypass Conceptual Aquatic Restoration Opportunities**

James Navicky led this presentation. The Yolo Bypass Interagency Working Group (YBIWG) includes the DFG, DWR, the National Marine Fisheries Service and USFWS. The mission of the group is to improve conditions for native fish in the Yolo Bypass; and keep users of the Yolo Bypass whole by maintaining or improving existing conditions. The YBIWG has agreed upon a conceptual list of prioritized aquatic restoration opportunities in the Yolo Bypass. All of the necessary studies are not done.

The presentation today is step one of stakeholder outreach. The next step will be to seek stakeholder input to guide further actions. The third step is to work in concert with stakeholders, develop an appropriate restoration plan that maintains or improve conditions in the Bypass for native fish and Bypass users. The group will seek stakeholder input to guide the proposed projects down the road. James distributed a form to get participants' comments.

The focus of the YBIWG discussions to-date is north of Little Holland Tract. James reviewed a list of key issues including agricultural operations, flood control, educational activities, public and private waterfowl management operations, water quality, Yolo Wildlife Area infrastructure investments, Wildlife Area management operations, recreation, vector control, and benefits to fish. There are five potential opportunities: Putah Creek realignments, Lisbon Weir improvements, additional multi-species habitat, Tule Canal/Toe Drain improvements, and improved fish passage facilities at the Fremont Weir.

Putah Creek – The project proposes stream realignment, floodplain restoration and fish passage improvement. The project ideas may have benefit for agriculture through improved water management opportunities and elimination of some nuisance flooding. This project will be on public lands of the Yolo Wildlife Area.

Lisbon Weir – The project is proposed to modify or replace the weir, improve the weir to benefit fish, wildlife and agriculture, and reduce maintenance and operation. Adjustments could be made to address fish passage issues.

Additional multi-species habitat development: On public or private lands (with landowner cooperation). Project ideas could include putting in set back levees of 100 feet or more. This is not a proposal to flood farmland anymore than is happening now. It would provide for controlled localized

seasonal inundation on more frequent intervals. The goal would be to identify areas of opportunity on the Wildlife Area and other existing public lands, and private lands where cooperative agreements with willing land owners would provide mutual benefits.

Tule Canal / Toe Drain connectivity: Some complete blockages exist in the Tule Canal. The goal would be to identify passage impediments and work with land owners to develop the best options for improving fish passage and ensure continued water diversion capability. This study would remove passage impediments –road crossings as fish may be getting trapped but would seek to support land owner / manager access to do their business.

Multi species fish passage structure at Fremont Weir: The current structure designed in 1955 was for salmon only. With the listing of green sturgeon there is the need to look at additional species and structural improvements. The goal would be to improve fish passage at the Fremont Weir when the weir is already flooding and evaluate the feasibility of constructing a new fish passage structure operated to ensure continued flood conveyance capacity. No substantial changes in timing, volume, and/or duration flow with minimal disturbance to existing land use and agricultural practices.

All the above ideas are in the conceptual stage. No studies have been done. The YBIWG wants comments from stakeholders and wants to focus on having future discussions. How can these actions improve things for landowners?

Contact information for James: [jnavicky@dfg.ca.gov](mailto:jnavicky@dfg.ca.gov), (916)358-2926.

Q: What about endangered species? It is important not to encourage fish in the Yolo Bypass at the wrong times.

Regina Cherovsky with Conaway Ranch said that she appreciates hearing what James has to say. Landowners often hear rumors about things in the middle of a project.

Betsy Marchand raised the issue of flood control. It is the priority use of the Yolo Bypass. Will more flood easements be purchased as part of these projects? James did not have an answer at this time.

Casey Walsh of the California Department of Food and Agriculture said that she is concerned that not many landowners are present. Casey asked if there is a way to communicate with more of the landowners? Dave reminded participants that meeting minutes will be sent out. YBIWG is committed to communicating with the landowners and will continue to do so.

Would this plan be part of the Yolo County HCP or NCCP? Yolo NCCP doesn't include aquatic habitat. This would fit in the Delta NCCP that will encompass the Yolo Bypass. There is an effort going to get a Bay Delta conservation plan started.

### **California Flood Legislation - Current Options and Next Steps**

Alf Brandt Water Resources Advisor to State Assemblywoman Lois Wolk led this discussion. Assemblywoman Wolk was not able to attend due to a previous engagement. The staff reported that very little substantial flood related legislation passed this year. Lois did get one flood bill through. Her work with the Yolo Basin Foundation and DFG in the Bypass has played an important role in her development of flood legislation. Lois represents this area. She recognized the flood control issues

when she came to office and put a package together of flood bills before Hurricane Katrina. Alf Brandt was staff to the flood legislation in his role as attorney for the Assembly Water, Parks and Wildlife Committee. He has brought legislators out to see the flooded Yolo Bypass. They had no idea how big and important it is. When the Bypass is flooded it is a good visual reminder of how important flood control is in the Sacramento Valley. The Bypass provides an example of what can be done when they work on San Joaquin issues. A bond for levee repair is on the November ballot.

AB 1899 proposed that land use be tied to floodplain development. They tried to get people to focus on how to get more protection. It is not just about building bigger levees but other ways to get more protections such as set back levees and bypasses. A number of other bills passed the Assembly and made it to the Senate rules committee. AB 1665 was the Administration's flood package. There was a liability piece for local governments, a general plan piece and safety planning. Senator Flores' bill addressed Reclamation Board decision-making. AB 1665 had wording added at the last minute about local governments taking on all liability for flood protection improvements. That bill didn't make it out of committee as a result.

Susan Treabess, staff to Assemblywoman Wolk lead this part of the discussion. Two propositions are on the November ballot to address funding for flood protection. What is planned for the future? Flood related land use legislation and liability legislation will come back. Due to a court decision (Paterno) the state is responsible for what happens behind levees but has no control on what is built there. That is a problem for the state. It is a huge financial liability. The Administration wants to say it's the liability of local government. Lois believes that the solution to the liability issue is somewhere in the middle. If locals have achieved certain standards –state can take the liability. If those standards are not met then the locals have all of the liability. There will also be a flood insurance bill. Flood insurers are opposed to universal flood control insurance. How can state require higher protections if no funds are available? If the bonds do not pass, future assessment of beneficiaries may be needed. Southern California residents could be assessed because they benefit from the water supply from Northern California. SACOG and SAFCA are interested in flood issues. Northern California people are much more advanced and aware of flood issues because it happens locally. Residents of Southern California don't know enough about these issues and are not necessarily inclined to focus on them.

Chuck Dudley asked if legislators are aware that flood control and water storage work together.

Alf Brandt: I worked on water issues on the federal level before my current work. The issues that need to be addressed include: What kind of storage? Where is it? What does it cost? AB 802 required water supply considerations in flood protection actions. The answer may or may not be dams. It may be underground storage. There is a lack of partners on water supply projects. Beneficiaries don't want to share cost. All players and payers must work together. The Yolo County Integrated Regional Water Management Plan (IRWMP) is part of this process.

Chuck Dudley asked if levees have to have partners like water storage? Yes

In conclusion there must be local support of flood related legislation. Flood protection vs. flood control; there is a range of ways to get to flood protection without building bigger levees.

## **A Proposal for Yolo Bypass Stakeholder Involvement – the Yolo Integrated Regional Water Management Plan**

Jacques DeBra with the City of Davis Public Works and the IRWMP Technical Advisory Committee Chair lead off the discussion. The 1992 county-wide water plan updates were static and had no implementation plan. We need to work together to get water related projects implemented. He mentioned the Water Resources Association of Yolo County (WRA) website to keep updated. The WRA is a nine-member agency. WRA is interested in being a collaborative partner to help people get projects done in Yolo County. They do not want to get in the way. On Oct. 25 a public workshop is scheduled to review the IRWMP.

Jacques asked that people read through the plan. He described the plan list of actions as of September, 2006. It's not a static list. Actions come from throughout the county including the Working Group. He showed a flow chart of how the WRA anticipates implementation of the IRWMP. There are 8 integrated actions. The Yolo Bypass integrated project is where the Working Group's contribution fits in. The plan is meant to empower watershed groups that already are working in their watershed. The WRA will rely on them to take the lead. The only other way to implement the plan is to create a water agency. The WRA doesn't think that Yolo County is ready or necessarily needs that approach. The WRA wants the Working Group to support discussions about IRWMP implementation by getting directly involved. The WRA is behind Working Group efforts. Jacques said that he is impressed with range of stakeholders. The WRA is trying to position itself for funding opportunities. Integrated projects are the way the funding world is going. WRA will stay out of the way of watershed groups. There are already established dialogues on all Yolo watersheds.

Robin Kulakow commented on the need for a subcommittee of the Working Group and how structure and membership would be determined.

Dave Ceppos described how CCP is in the role of helping to organize the subcommittee (should it be deemed appropriate and feasible to do so). A contract between CCP and DWR is not signed yet but there is a draft scope of work. The Working Group has been talking about some of the actions proposed in the IRWMP for 7 years. This is where "the rubber meets the road" for projects in the future. Funding opportunities come up all the time. The Water Bond on ballot will create funding for potential projects in the Bypass. Funding agencies are looking for grouped proposals, projects that have been prioritized locally. Unified, multi benefit projects are preferred. Yolo County needs focused buy in if special funding comes up. The WRA is asking if the Working Group is the place to start?

After today, CCP will start working on recommendations of how to structure subcommittee. This subcommittee will rely on input from the Working Group. It won't replace it. The Working Group is the essential venue for the proposed Subcommittee to hear public ideas and a place to vet potential projects. Dave asked if there are people here that are willing to convene in a focused meeting the 2<sup>nd</sup> week of October. Dave would propose some structure, rules of engagement. Who would like to be seated at the table? How do we decide how many duck clubs should be on the subcommittee for instance? Show of hands of who here is interested in a focused meeting. Many people are interested.

Mary Scruggs with DWR spoke. They need local help. They can't prioritize all projects statewide. "We are here to support you". The State needs the WRA and local groups to get water supply stability for the state.

The last IRWMP public meeting is Oct 25<sup>th</sup> at the Heidrick Museum. The draft IRWMP is online and available at public libraries. IRWMP public review process is 45 days and was initiated October 6. They will be taking agency and public comments during that time.

### **West Nile Virus Conditions and Regional Vector Control**

There were 300 acres of wetlands flooded in Sept. –Dave Feliz worked this out this with SYMVD, John Fritz was not able to attend the meeting.

### **Yolo Bypass Wildlife Area Management Planning Process and Upcoming Waterfowl Season**

Dave Feliz showed a series of photographs taken from an airplane on September 15<sup>th</sup>. which showed aerial views of duck clubs, and recent construction projects on the Yolo Bypass Wildlife Area. His photos depicted vegetation management activities completed, including mowing. Mr. Feliz described that mowing removes a lot of hydraulic roughness which support flood conveyance. H Pond worked with the mosquito district for early flooding this year. The District likes the mowing that has been done to reduce joint grass. NAWCA projects are underway on the Tule Ranch unit of the Wildlife Area. All new ponds are designed to flood in a few days and feature a large number of islands and swales and micro topography. Dave showed a photograph of restoration work on the Pacific Flyway Center site. He showed two other potential sites for this education and visitor center. Tour route ponds are starting to flood. Dave started to pump water to fill the ponds in early September. He showed a picture of mowing for cocklebur. Late spring flooding earlier in the year resulted in nearly 4,000 acres of cocklebur on the Wildlife Area. There are now large areas with infrastructure for rice production. These fields have proven to be very versatile for providing diverse habitat types including mudflats, watergrass fields and food plots.. He showed the new pond adjacent to I-80 near the west side of the Yolo Bypass. DFG used restoration funds to make the pond and make a ditch for agricultural uses. There are currently 3 permanent DFG field staff. Consequently, a lot of the fieldwork is done by DeWit Farms, Los Rios Farms, and the Sacramento Yolo Mosquito and Vector Control District, illustrating the strength and depth of the working partnership established at the Wildlife Area. The problem with getting funding is within DFG. On the opening day of dove hunting there were 61 hunters that shot 147 birds. There was no safflower, no mature seed in the Bypass this year due to the spring flooding. Timing of migration worked for hunters with a fair number of birds passing through the area on September 1<sup>st</sup>. Prospects look better for the later dove season.

October 21 is the opening of waterfowl season except on the Wildlife Area, the opening day is delayed until Oct 28 because of the late rice harvest. Duck bag limits: 7 ducks up to 7 mallards, not more than 2 hen mallards, 1 pintail, 4 white geese, 4 white-fronted geese and 7 Canada Geese.

The joint proposal from DFG and the Foundation on mercury research on rice rotation and mercury cycling was not funded. Mercury research is being done now with DFG funds on site in cooperation with other agencies. Dave is working with the DFG Marine Lab at Moss Landing and Chris Foe at the Central Valley Regional Water Quality Control Board (RWQCB). The effects of rice production and wetland management on the methylation of mercury will be studied. The effects of spring drawdown and fall flood up of seasonal wetlands on methyl-mercury production will be studied. Research in other wetlands shows that there is a spike in methyl mercury production with fall flood up, after which the methylation rate slows down. We're trying to see if this spike in mercury cycling rate is happening at the Wildlife Area. The removal of vegetation will be investigated to determine

if this practice helps reduce methyl-mercury production by creating more aerated water, or perhaps allowing more sunlight to penetrate the water column. DFG is working closely with RWQCB to satisfy some of the research needs for the upcoming TMDL (total maximum daily load).

The base soils may have an effect. The characteristic banding patterns of floodwaters observed in the Yolo Bypass which depict specific flows from Cache Creek, Willow Slough, Putah Creek and the Sacramento River will be sampled and correlated with soil sampling to determine if these patterns also occur in the form of on the ground deposition patterns of elemental mercury. Methyl-mercury production will later be measured within these bands. They are also sampling in rice production areas for the first time. Since rice production is proposed to be a long term land management action on the Yolo Bypass Wildlife Area, it is important to understand its impact on methyl-mercury production.

### **Yolo Bypass Wildlife Area Land Management Plan**

DFG is reviewing the administrative draft of the plan. The review is almost done then it will be out for public review.

Dave Ceppos and Betsy commented on how much Dave Feliz and his staff get so much done with so little staff.

Betsy suggested that Dave give a report at the next Working Group meeting on how operations are funded. Dave commented that this would be an appropriate time since the LMP is almost done and it has a chart showing how much staff is needed for proposed actions.

### **Delta Vision Process**

Linda Fiack is the Executive Director of the Delta Protection Commission and often attends Working Group meetings. The DPC acts as a liaison on many issues of interest to Yolo Bypass stakeholders. Linda described the Delta Visioning process. The objective is to create an integrated vision and strategy that will provide for the environmental and economic stability of the Delta, as a resource of local, State and national significance. The DPC is a state agency that looks beyond county borders. The DPC said that the Delta Visioning process needs to involve more than the California Bay Delta Implementing agencies. They insured that there is a local stakeholder component. Look at DPC website for updates. Mike Chrisman, State Resources Secretary, is head of process. Part of visioning process might be the recently initiated Bay Delta Conservation Plan, a very large Federal Habitat Conservation Plan (HCP), and State-level Natural Communities Conservation Plan. Aquatic resources are on a fast track to get done. DPC will be facilitating monthly meetings to make sure regional government HCP efforts are involved and that there can be a local benefit. Most of the nearby regional HCPs are terrestrial species based. Two plans do include fisheries. This process also needs a delta wide focus.

### **Delta Trail**

Linda introduced Erin Gable from Senator Tom Torlakson's office and described the idea of The Great California Delta Trail. Senator Torlakson was one of the original members of the DPC. He recognized that creation of the trail should be a stakeholder process. Before his bill, SB 1556 passed stakeholder meetings were held to discuss recreation issues. Erin was the staff person for SB 1556, which is on the Governor's desk to be signed into law.

This would be a recreational trail for biking and walking. It is a conceptual corridor. There is no alignment yet. It would be connected and very similar to the San Francisco Bay trail that ends in Benicia and Martinez. Senator Torlakson was a biology teacher and is an avid cyclist. He often bikes to work—67 miles to the State Capitol. There is very little safe access for bikes to access Delta recreational and natural resources. SB 1556 was introduced to start the process for a stakeholder planning process to develop the trail concept.

DPC will head up the planning effort. Does it make sense? It is an ambitious concept inspired by the similar Bay Area Trail which is 40% complete and is an exceptional example of how local stakeholders can work together to build a trail. As for the Delta Trail, there is no line on the ground. This is a planning process. It may turn out to be a network of access trails. When the process is complete it will be taken to each county and it will be up to them to implement the trail. They are taking into consideration the Yolo Wildlife Area LMP and the Yolo County Parks Plan.

Regina Cherovsky noted that pedestrian access through agricultural fields is a problem. The California Farm Bureau is opposed to the concept. People who work the land should be included in initial discussions. Farming is part of the picture that people want to see but can't exist with too much public access. Erin stated that issue is very important to the Senator.

Dick Goodell said that he rode his bike from Minnesota to New Orleans along the Mississippi River. It is important to remember that the Bypass floods and Bypass lands are therefore not appropriate for a trail. Hate to see you waste the money on something that can't be maintained.

Erin agreed with Dick. The first step in planning is to look at local trail plans and to develop a short term and a long-term plan. Ultimately it might be possible to ride a bike from San Jose to Sacramento if proved feasible and appropriate. Ideally it will be continuous trail but if it can't, it won't be.

Linda mentioned the US Army Corps of Engineers Delta Trail proposal from several years ago. DPC won't approach this trail plan like the Corps did. DPC voted to support the bill. DPC members did not want funding to be taken from flood protection, habitat restoration and public health and safety planning. Safety is first but they want the trail to be part of the discussion.

Chuck Dudley noted that this looks like a pretty intrusive project on agriculture and hunting. Need to consider the liability of trail and need iron clad agreement on liability to protect current land uses.

Erin agreed. Hunting is specifically mentioned.

Linda – it would good to check out the DPC website for more information on the trial concept. She went on to discuss DPC involvement in the methyl mercury TMDL issue. The Mercury Collaborative was organized by DPC to protect Delta interests in development of the TMDL. They have written two letters to the RWQCB regarding mercury TMDL. They have hired two consultants – in water quality and economics to assist them. They are encouraging the RWQCB to avoid using isolated data. The Collaborative is educating people about the mercury issue.

The DPC strategic plan is now on website.

Bob Schneider spoke up in his position as Chair of the RWQCB. He discussed the TMDL of impaired water bodies. Staff is required to look at methyl-mercury. They are not charged with

tradeoff of benefits. It is an interagency issue. Participation in the process is important. Staff does not want to stop wetlands restoration but they have their mandate. TMDL is a CEQA equivalent process.

### **RWQCB Agricultural Waiver Water Quality Issues**

John Currey was not able to attend but gave Dave Ceppos an update. The RWCB has set December 31, 2006 as the deadline for all irrigators to join a watershed group. If irrigators don't join they could be subject to a fine. Irrigators were given a chance to approach the Board as individuals or join a watershed coalition. John's issues so far: They have found some toxicity readings. They are looking into whether or not these readings are erroneous. They will look upstream in the watershed to see where the source is. They are getting hits of e coli but don't know if it is coming from water pollutants, plants or feral animals? Trying to assess where application took place. The Board is sending out enforcement letters to Yolo Bypass landowners. There are quite a few irrigators in this area that are not involved yet.

Bob Schneider -Yolo and Solano have done as good as a job as anyone. The Ag Waiver is almost a permit. It is not truly a "waiver." They have asked for enrollment lists. He supports a five-year renewal process. They should get on with water quality improvement rather than the waiver. Use time to develop Best Management Practices. Ag has to tell the story. Under the Porter Cologne Act people can't sue individual landowners. Agriculture needs to let public know what they have been doing to improve water quality.

### **Lower Yolo Bypass Collaborative Stakeholder Planning Process**

Dave Ceppos announced that this process is still happening. Yolo Basin Foundation, CCP and DPC are working on contracting for the project. The kick off will be a big tour of the South Bypass. The tour will go along the eastside of the Bypass. They will look at Prospect and Ryer Islands, federal levees. They will take a boat to the lower Yolo Bypass to check out Cache Slough and the Shagg Slough and the Liberty Island Bridge. This tour will be part of the process for people to get familiar with what the islands look like. Dave will be working to set up the number of seats for certain stakeholders. We still need to get contracting done before the trip can be planned. If winter comes then the field trip might have to wait until spring. Working Group participants will be kept up to date. The lower Yolo Bypass Collaborative process will rely on the Working Groups as a venue to get public input.