

**Lower Yolo Bypass Planning Forum
BDCP Subcommittee Meeting #3**

**March 23, 2009
DFG Yolo Bypass Wildlife Area Headquarters
Davis, CA**

Attendance

Meeting Participants

Regina Cherovsky, Reclamation District
(RD) 2035
Dave Feliz, DFG
Linda Fiack, DPC
Mike Hardesty, RD 2068/2098
Butch Hodgkins, Central Valley Flood
Protection Board, (CVFPB)
Robin Kulakow, Yolo Basin Foundation
(YBF)
Julia McIver, Yolo County
Selby Mohr, Mound Farms

David Okita, Solano County Water
Agency (SCWA)
Tom Philp, Metropolitan Water District
(MWD)
Erik Ringelberg, RD 999
Don Stevens, Glide-In-Ranch
Jan Vick, City of Rio Vista
Bob Webber, RD 999

Staff

Dave Ceppos, Center for Collaborative
Policy (CCP)
Sam Magill, CCP

ACTION ITEMS:

1. CCP will finalize the Lower Yolo Bypass Planning Forum (Planning Forum) Bay Delta Conservation Plan (BDCP) Conservation Measures Subcommittee (Subcommittee) letter to BDCP leadership and distribute it to the entire BDCP Steering Committee. **NOTE: letter sent April 2nd.**
2. CCP will develop a list of prioritized actions based on the impacts and opportunities discussed at the February 24th Subcommittee meeting and the goals for engaging BDCP discussed on March 23rd.

Introductions and Agenda Review

Dave Ceppos, CCP, opened the meeting. Mr. Ceppos commented that the focus of the meeting was to develop a clear strategy for engaging BDCP staff and leadership. The letter developed by the Lower Yolo Bypass Planning Forum (Planning Forum) BDCP Subcommittee (Subcommittee) and addressed to BDCP Steering Committee leadership was a major component of this strategy. CCP will send the letter to BDCP leadership (as defined below) and request their presence at a meeting with the Subcommittee on April 17th (**see Action Item #1**).

Identification of Goals for Meetings with BDCP Leadership

To avoid focusing too much on the *process* for engaging BDCP leadership, Mr. Ceppos suggested that the Subcommittee members discuss what they hope to achieve in conversations with BDCP. Two key themes discussed by the Subcommittee to date included:

- Having the Planning Forum's concerns seriously considered in the BDCP Conservation Measures.
- Engaging BDCP leadership directly (instead of through staff).
- Craft solutions to concerns that are mutually agreeable to BDCP and Planning Forum members.

Discussion:

- Bob Webber, RD 999, remarked that his main concern was keeping a western bypass on the Sacramento River from going through RD 999. In order to come up with workable solutions to flood, habitat, and water supply problems, BDCP should engage groups like RD 999 to develop solutions, help define the economic impacts of the Conservation Measures, and ensure that sound science is being used for all BDCP analysis.
- David Okita, SCWA, remarked that SCWA's main concern is the potential impact of BDCP habitat conversions in Cache/Lindsay Slough and how this could impact SCWA's water delivery operations. Additionally, he noted that Solano County would like to see a package of mitigation options written into the Conservation Measures that responds to habitat, agricultural, and economic loss for each acre converted to a different purpose under the BDCP. This mitigation would be built directly into each BDCP perspective (as opposed to mitigation as defined by state and federal environmental protection laws).
- Robin Kulakow, YBF, asked that any alternative in the Yolo Bypass must acknowledge and protect the existing public and private land uses already in place. The Conservation Measures should also confirm the strategies in the Yolo Bypass Wildlife Area Management Plan and the Yolo Bypass Interagency Working Group 5-step fish process.
- Tom Philp, MWD, concurred with Mr. Okita's suggestion about a mitigation protocol. This type of mitigation package could be used for interested communities to have their alternatives discussed and evaluated as part of the BDCP process. This is particularly important in the Yolo Bypass, which BDCP has identified as the most important area for habitat restoration in the Delta.
- Butch Hodgkins, CVFPB, said that he would like to see a meaningful commitment from BDCP leadership to preserve or enhance the existing flood capacity of the Yolo Bypass and make sure that future flood needs can be addressed. Regina Cherovsky, RD 2035, and Mr. Hodgkins noted that BDCP has not addressed possible legal ramifications of modifying Fremont Weir. Mr. Hodgkins continued by saying that any modification to the Weir will require authorization by Congress, unless the US Army Corps of Engineers

determines it is able to exercise its authority on such a project under §408 of the Harbors and Navigation Code.

- Don Stevens, Glide In Ranch, suggested that the Conservation Measures should include a clear statement that some impacts, such as the loss of hunting due to increased inundation of the Yolo Bypass, are “unmitigatable” And that such measures should be pursued as “last resorts” under an approach that avoidance of impact is the first priority.

Identification of Strategy for Engaging BDCP Leadership

After the identification of basic goals for meetings with BDCP leadership, Mr. Ceppos asked that the group move towards developing a strategy for this engagement. One of the key questions in developing this strategy is *who* the Subcommittee should engage. The following individuals on the BDCP Steering Committee were identified:

- Roger Patterson, MWD
- John McCammon, DFG,
- Kim Delfino, Defenders of Wildlife
- Greg Thomas, Natural Heritage Institute
- Karen Scarborough, California Resources Agency
- Dan Nelson, San Luis Delta Mendota Water Authority
- Jerry Johns, Department of Water Resources
- Greg Zlotnick, Santa Clara Valley Water District
- Laura King Moon, BDCP

Mr. Ceppos added that in addition to the Steering Committee members that should be engaged by the Subcommittee, State Senator Lois Wolk asked to be copied on any letters or meeting requests with Steering Committee members.

After identifying the correct individuals to speak to, Mr. Ceppos instructed the Subcommittee to confirm the strategy for engaging BDCP titled, “Draft BDCP Engagement Strategy” (Strategy). The following comments were recorded:

- Mr. Okita confirmed that the three meeting approach in the Strategy was appropriate, but suggested that meetings one and two could be combined into a single session to make scheduling easier. In any meetings with BDCP leadership, Mr. Okita suggested that the Subcommittee be prepared to address the following:
 - The Operations Criteria and Plan (OCAP) depends on 8,000 acres of tidally influenced habitat that must be constructed within 8 years. Almost (or all) of this will happen in Yolo and Solano County. Yolo and Solano Counties have started to meet with DWR, MWD, and Westlands Water District to discuss options. This doesn’t include Fremont Weir. Yolo and Solano Counties have prepared a list of “prepared outcomes” that should be addressed. They are also applicable to the BDCP process, and stress a “bottom up approach”

- The 5 Delta Counties are also working together. The 5 Counties made a presentation to the Legislature, have met together, and will likely address concerns about the Conservation Measures as a 5 county group. They will be much slower and will probably not be as detailed, but they are meeting regularly to bring up these same issues.
- At some point before meeting #2 with the BDCP leadership, the Subcommittee must come up with a list of things they are concerned about, and what it intends to do about them (i.e., alternatives to the Conservation Measures).
- The Subcommittee agreed that meetings one and two in the Strategy should be combined if possible. Tom Philp, MWD, commented that if the first meeting is successful, BDCP leadership and staff is more likely to commit to other meetings.
- The Subcommittee agreed that the invitation letter to set up these meetings should be sent as a standalone document to the entire BDCP Steering Committee. Targeted outreach to the Steering Committee members identified above would be carried out by Mr. Okita, Ms. Kulakow, Mr. Philp, and Linda Fiack, DPC.

Other Discussion Items

- Mr. Ceppos remarked that a prioritized list building off of the goals discussed earlier in the meeting, combined with the impacts and opportunities discussed during the first meeting of the Subcommittee, should be developed before a meeting with BDCP leadership. CCP will create this document and circulate it to the Subcommittee for review (**see Action Item #2**).
- Mr. Okita noted that in recent weeks, he held conversations with high level potentially regulated entities (PREs) on the Steering Committee and Solano County staff to discuss potential impacts to the Yolo Bypass and other Delta lands. Mr. Ceppos added that BDCP staff have presented on the Conservation Measures to all Delta county boards of supervisors with the exception of San Joaquin County.
- Ms. Fiack noted that it is important to recognize stakeholder concerns about their input being included in planning efforts such as the BDCP. She cited the Delta Vision process as an example, which included a forum for stakeholder input. Some of those involved have since expressed concern that while there was an assumption that all stakeholder-developed actions would be included in the Strategic Plan, these actions were given consideration but not necessarily included in their entirety in the final Delta Vision recommendation.
- Subcommittee members agreed that state and local elected officials should not attend initial meetings between the Subcommittee and BDCP leadership. Additional briefings could be held with elected officials in a separate venue.

ADJOURN