

**Lower Yolo Bypass Planning Forum  
Planning Forum Meeting #6**

**DRAFT MEETING SUMMARY**

MEETING DATE: December 9, 2008

LOCATION: Clarksburg Wine Company at the Old Sugar Mill  
35265 Willow Ave  
Clarksburg, CA

**KEY DECISIONS**

1. The Planning Forum agreed to send a communication to the Delta Vision Committee seeking more time to provide input on the Delta Vision Strategic Plan and elements such as the proposed modification of Fremont Weir.

**ACTION ITEMS**

1. CCP will work with the Membership Committee on the proposal to add Don Stevens of Glide-In Ranch to the Forum.
2. CCP will provide Solano/Yolo County agricultural contact information to BDCP.
3. CCP will add website links to BDCP reports and confirm the Framework for the Future report is linked.
4. Robin Kulakow will send to the Forum listserv December 9 a draft letter or memo to the Delta Vision Committee communicating the Forum's desire to have more time and an active role in providing input on the Delta Vision Strategic Plan before it goes to the Governor's office.
5. Forum members will submit comments on the draft letter by 5:30 PM December 10. CCP will facilitate the editing process in order to complete and deliver the communication before the Delta Vision Committee's December 16 meeting.

**Introductions, Agenda Review, Meeting Objectives, and Announcements**

Dave Ceppos opened the meeting, invited meeting participants to introduce themselves, and noted that Don Stevens of Glide-In Ranch was attending the meeting for consideration for his membership in the Forum as a landowner representative. Mr. Ceppos thanked John Carvalho of Clarksburg Wine Company for hosting the meeting at the Old Sugar Mill. Under announcements, Mr. Ceppos said Gary Goodman, Assistant

Manager of the Sacramento-Yolo Mosquito and Vector Control District will be replacing Joel Buettner on the Forum.

Mr. Ceppos reviewed the meeting agenda, saying that this meeting is the first to transition out of the “education phase” and into development of the Forum’s planning objectives. He explained that this process will start with a presentation and discussion of the planning landscape: existing objectives that have been formulated by other agencies and processes. Small group discussions to consider and propose options for other objectives will follow. The Forum will also select a Planning Objectives Committee, which could start working through the end of January to consider and refine the ideas that the small groups have created.

All presentations and materials discussed below are available online at [www.yolobypass.net](http://www.yolobypass.net).

### **Select a Membership Committee and Discuss the Addition of a New Member**

Mr. Ceppos noted that the Planning Forum Charter calls for the creation of a Membership Committee to consider addition of new members. He noted that the Forum needs one additional private landowner in order to have representational equity, and Mr. Stevens was proposed for membership (**see Action Item #1**). The Charter sets out that the Membership Committee will include the two Co-Sponsors and a representative cross-section of stakeholder groups. Three to four members are needed for the Committee, which would meet now and if necessary in the future. Maria Wong, Brad Burkholder, Robin Kulakow and Jason Peltier volunteered for the Committee. Mr. Stevens introduced himself, saying he worked for 37 years with DFG as a fisheries biologist. No members opposed his sitting with the Forum pending the Committee’s consideration of his membership.

### **Discussion: Existing Planning Objectives for the Lower Yolo Bypass**

Mr. Ceppos directed meeting participants to two handouts: a document entitled "Informational Draft: Existing and Recently Proposed Objectives and Actions Directly Affecting the Lower Yolo Bypass" and an accompanying color-coded table. The handouts represent a preliminary, incomplete effort to catalog objectives, actions or other items adopted or proposed by various planning efforts, including CALFED, Delta Vision, Bay Delta Conservation Plan, the Delta Protection Commission Management Plan, and county general plans, that might have a direct physical effect on the Lower Yolo Bypass area. The table organizes the listed objectives by major interest groups represented in the Forum. Mr. Ceppos asked members if any planning efforts are missing. He said the goal for Forum members is to use these documents to consider whether there is a disparity in the volume of objectives for the different interest areas, and to consider whether there are deficiencies, or interest areas where objectives might be proposed. The documents will be reissued as they are periodically revised.

### Discussion:

- Kathy Barnes-Jones asked if objectives could involve working with other agencies. Mr. Ceppos said it will be up to Forum members if they would choose to envision working with other agencies in achieving objectives.
- Jason Peltier said BDCP ideas are very different than approved plans. He suggested adding another column listing key regulatory requirements such as the Endangered Species Act and the Migratory Bird Act.
- Melinda Terry asked if the list includes both existing objectives and proposed objectives. Mr. Ceppos said it does. It is expected that Delta Vision elements, for example, will be implemented in the future through legislation.
- Butch Hodgkins asked about the legal status of processes such as CALFED and the Delta Protection Commission, which are dissimilar to those of a typical land-use or planning agency. Mr. Ceppos said the included objectives are part of the CALFED Record of Decision (ROD) involving binding agreements by a number of agencies. Barbara McDonnell said it could be looked at as a linkage to public money sources. The CALFED Ecosystem Restoration Program (ERP) is a planning tool or blueprint. Ms. Terry added that CALFED has early implementation projects which are very much on the table. Brad Burkholder said his department issues permits and consults the ERP as a set of guiding principles to work within. Mr. Ceppos noted that some planning objectives are binding, while others are guiding. In regards to the Delta Protection Commission, he explained that the Commission is required to create a land-use and management plan, and Delta counties must be in concurrence with it.
- Mr. Stevens asked if it was better for the Forum to spend a great deal of time digesting other plans or to focus on what it would like to achieve. Mr. Ceppos said that is one of the reasons there will be a Planning Objectives Committee, so information about existing plans is kept in one place and can be referenced when ideas are proposed. He believes there's an advantage to getting a clear idea now of the existing playing field.
- Other planning efforts members suggested adding to the list include the management plan for Yolo wildlife, the Central Valley Flood Protection Plan and the Yolo County IRWMP. Solano County also has an IRWMP. Mr. Ceppos said an e-mail will go out and members can respond with any additional suggestions.

### **Presentation: Existing Planning Objectives for the Lower Yolo Bypass**

Karla Nemeth of the Resources Agency and Dave Harlow of State Water Contractors delivered a presentation on the Bay Delta Conservation Plan (BDCP). The presentation is available online at [www.yolobypass.net](http://www.yolobypass.net) under "Meeting #6." It included discussion of two draft water operations conservation strategy ideas. One would modify Fremont Weir and Yolo Bypass to increase the frequency and duration of Bypass inundation. The second would create a new bypass in the Yolo Bypass/Cache Slough Complex. More information on water operations measures is at [www.resources.ca.gov/bdcp/](http://www.resources.ca.gov/bdcp/) under "Integration Team." Ms. Nemeth acknowledged that there is a great concern about increasing Bypass inundation and said there will be more information and other forums forthcoming on that topic. She provided an overview of the Bay Delta Conservation Plan as an HCP/NCCP process launched because declining populations of Delta smelt and

certain Chinook salmon runs have placed the state's water supply at increased risk. Conveners hope to integrate with other planning efforts and avoid stepping on toes. Mr. Harlow discussed the water operations conservation measures. Consultants evaluated scenarios for modifying Fremont Weir to inundate the Bypass for 30-45 days in late winter or spring from 1,000 to 5,000 cfs. The scenarios showed benefits to fish with a 2,000-4,000 cfs inundation, which would affect about one third of total acreage in the Bypass. Rough calculations estimate that a 2,000 cfs inundation would cover 17,000 acres, including the 3,700 acres of Liberty Island. A 4,000 cfs inundation would affect 23,000 acres, also including Liberty Island.

Discussion:

- Robin Kulakow and Henry Kuechler asked Mr. Harlow to elaborate on the flood bypass modifications. Mr. Harlow said the action is commonly called "notching the weir" on the operations gate so it could be opened and closed at will. It would only occur when flows were high enough that the Sacramento River would not be impacted.
- Maria Wong asked how the project would differ from the canal next to the Deep Water Ship Channel. Mr. Harlow said the Deep Water Ship Channel project would not go forward unless funding is designated for a flood control project. This project is aimed at achieving habitat benefits.
- Butch Hodgkins asked about the proposed measure's objectives. Mr. Harlow responded that the Bypass area is important for splittail spawning, salmon reared there are healthier and bigger than those in the canal or the Sacramento River, and the area produces a tremendous amount of food. Weir modifications would also help with sturgeon passage problems.
- Mr. Kuechler asked why the Cache Slough project was described as intertidal marsh restoration. He said the area is swamp and overflow, not tidal marsh. Mr. Harlow responded that the lands are at the right elevation to be suitable for intertidal marsh. They provide an opportunity for restoration and are not existing habitat.
- Mr. Kuechler asked if the plan included the taking of Hastings Island. Mr. Harlow said it did not. Nothing in the plan would occur unless there was a willing seller and a willing buyer. Mr. Ceppos clarified that this would be outside existing levees or topographically appropriate land behind levees. Ms. Nemeth said the approach is public lands first and secondly willing sellers.
- Mr. Hodgkins expressed concern that the measure could change existing land uses and habitat. Will the area become a jungle?
- In response to a question, Mr. Harlow said planners are thinking about including Prospect Island. It would add flood capacity to the Bypass, which is an issue for the future. Ms. Nemeth said they could provide more information on this idea.
- Ms. Wong said she is happy to hear about a willing seller, willing buyer approach. Unfortunately there has been an inconsistent message from BDCP leadership. She said the timing of inundation based on hydrologic events is problematic for agriculture, which buys for the coming season.

- Ms. Wong and Selby Mohr asked if the water would be out of the Bypass by April 15, or if that is the date when the north end would stop being flooded. Mr. Harlow said that was a good point that has not yet been worked out.
- Mr. Mohr asked if BDCP could come back with more detail. Mr. Ceppos noted that if conceptual plans are being shared, the details would not be available yet -- the Forum can't have both.
- Mike Hardesty asked if the expectation was that the new facility would be used to extend a 10-day flood to a longer inundation period. Mr. Harlow said that's what he believes is being proposed.
- Mr. Kuechler asked what the water quality impacts would be if flows that would have gone to the Tracy pumps go through the Bypass. Would this violate the agreements?
- Don Stevens said he believes the fish benefits of the proposal are highly speculative. The flows would not be high enough to sweep the fish downstream to Suisun Bay. What would be the impact to the fish if they don't reach the Bay? Modifying Fremont Weir would be expensive, and would impact wildlife and probably farming. Mr. Harlow responded that his understanding is that the young fish surf the tide once they get to tidally influenced areas.
- Mr. Stevens said it needs to be clarified if the definition of 30-45 days of inundation includes drain down for the Bypass area.
- Ms. Kulakow said the project could adversely affect rice growers, who need to do field inspections by March. There aren't many alternative crops. Farmers are the ones keeping the willows out of the area now. The Fremont Weir project and agriculture might be mutually exclusive, but there should be an attempt at adaptive planning.
- Kathy Barnes-Jones said the Solano County Supervisors are concerned about the land-use implications, agricultural impacts and financial impacts due to a loss of tax revenues, and hopes the county is contacted as part of overall planning. CCP will provide the county's agricultural contact information to BDCP staff (see **Action Item #2**).
- Brad Burkholder said it would be helpful to be explicit about the goals of the proposed measure and about the frequency of inundation. It would also help to discuss the importance of Sacramento River water versus tributaries such as Putah Creek and Willow Creek for fish. Mr. Ceppos noted that the Yolo Basin Foundation's Framework for the Future document contains recommendations and a hydrological analysis of Sacramento River and tributary inflows that would be germane (see **Action Item #3**).
- Ms. Wong inquired about what would occur after the BDCP's 50-year time horizon as far as inundation and conservation benefits. Mr. Harlow said the outcome would need to be durable conservation benefits, although the means would be adaptive and flexible based on science.
- Mr. Stevens expressed concern about the plan to decrease the abundance of non-native fish. Decreasing the amount of striped bass would affect thousands of fishermen.

- Melinda Terry asked about the table released Friday on benefits and adverse impacts, saying she didn't see benefits for terrestrial species. Mr. Harlow said that hasn't happened yet but will happen.
- Ms. Kulakow said she has suggestions for alternatives she'd like to share with planners. She also gave the name of agriculturalists who could help BDCP planners develop specific information on agricultural practices in the Bypass, rice farmer Jack De Witt, Regina Trovsky, rancher Tom Shane and Dave Felice, who had been in the audience that day.
- Mr. Mohr said it would be easier for stakeholders to comment if they know what the optimal amount of water would be for fish benefits. Mr. Harlow noted that the depth and velocity of the water might be more important than the amount of acreage. Mr. Mohr also asked if diverting water on a regular basis to keep water for fish in the toe drain would be a helpful strategy. Mr. Harlow said it might be, at the right time of year.
- Tab Stiles, landowner in the Bypass, said the amount of additional water being proposed for the Bypass would bring in silt and de-vegetate the Lincoln Island levees. What would be done to prevent the silt?
- Forum members asked if the BDCP has drilled down to the cause of underlying problems. There were many Delta smelt in the 1960s and 70s. What was working then? Understanding the problem will prevent undertaking the wrong actions.

Mr. Harlow responded thanked participants for their comments. The project has not yet been subject to scientific evaluation, so this is the beginning of a process, which might use models developed by the Delta Regional Ecosystem Restoration Implementation Plan.

Ms. Nemeth said the key next step will be to take these ideas through analytical modeling to look at the expected outcomes. Right now these ideas are in the drafting process, and many major questions still need to be answered. Mr. Ceppos said the two processes are occurring simultaneously, so that each can benefit from the other.

Ms. Nemeth thanked participants for their comments and expressed her desire to remain embedded in the Planning Forum process. On December 19, the BDCP Steering Committee will consider moving forward the Draft Working Conservation Strategy that includes the conservation elements for modeling analysis. Four public workshops in different parts of the Delta are planned for late January or early February. One-on-one meetings with local jurisdictions are also planned. The document, incorporating revisions from the Steering Committee, would be made public on December 30. Scoping for environmental impacts would follow. A detailed plan would be developed by spring 2009, followed by costing, impact analysis and review by an independent science panel. The draft HCP/NCCP would be expected by the end of summer and the final plan in 2010.

### **Delta Vision Strategic Plan**

Ms. Kulakow said she is concerned that the Delta Vision Strategic Plan contains the Fremont Weir modification as a near-term action. The Strategic Plan is soon going to the Governor, before the public has had an opportunity to engage in a conversation with project proponents. She'd like to be able to communicate to decision makers like Joe Grindstaff, CALFED, that stakeholders haven't had an opportunity to provide input and recommend alternatives. The Delta Vision Steering Committee will make a decision December 16.

Discussion:

- Ms. McDonnell said Delta Vision will not implement anything. The BDCP is where implementation will happen. It will be important to look at agricultural constraints on the inundation measure and see what could occur within the context of continuing basic farming activities.
- Ms. Wong and Mr. Hardesty echoed Ms. Kulakow's concerns.
- Mr. Ceppos reminded the Forum that it has a defined membership and can send out letters or memos. CCP is available to work with the membership to develop consensus language, if the membership desires.
- David Okita said he believes Delta Vision recommendations are largely meaningless, and the BDCP is the real process. He doesn't support the proposal, but is neutral.

Forum members indicated support or neutrality to a proposal to send some form of communication to the Delta Vision Steering Committee (made up of five Cabinet members) asking for more time and an active role in providing input on the Delta Vision strategic plan and the Fremont Weir modification (**see Action Item #4**).

Ms. Kulakow will draft a memo or letter that evening and send it to the Forum listserv. Forum members agreed to submit comments on the draft by 5:30 PM the next day. CCP will facilitate the editing process in order to complete and deliver the communication before the Delta Vision Committee's December 16 meeting (**see Action Item #5**).

**Select a Planning Objectives Committee**

Mr. Ceppos said the Committee would meet about three to four times at the maximum in the next two months to focus down on what success would look like for this process. Meetings would generally be by conference call, or at CCP offices. He sought volunteers from each major interest group represented on the Forum. Committee members will be: Julia McIver, Don Stevens, Mike Hardesty, Melinda Terry, Barbara McDonnell, Brad Burkholder, Butch Hodgkins, Gary Goodman and Rose Conroy. Selby Mohr and Maria Wong agreed to participate as alternates.

**Small Group Discussions: Create Preliminary Additional Planning Objectives for the Lower Yolo Bypass Planning Process**

This item was postponed to the next meeting on January 15.