

Agenda Item #8

August 17, 2001

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: **Briefing on Proposed Acquisition of Lands in the Yolo Bypass, Yolo County**
(For Public Hearing and Possible Commission Action)

NOTE: The format of this staff report is the format developed by the Delta Protection Commission for the review of CALFED Ecosystem Restoration Projects.

STAFF RECOMMENDATION:

Staff recommends the Commission consider information presented by the Department of Fish and Game, accept public comments on the proposed acquisition, and direct staff, with the approval of the Chair, to prepare written comments to forward to the Wildlife Conservation Board for consideration at its meeting of August 30, 2001.

BACKGROUND:

Project Proponent: Wildlife Conservation Board proposed acquisition for Department of Fish and Game to expand the existing Yolo Bypass Wildlife Area

PROJECT LOCATION:

Zone of the Delta: Primary

County: Yolo

Island/Tract: None. The properties are located south of I-80, east of County Road 104 and lie within and adjacent to the Yolo Bypass in Yolo County

Reclamation District: None

Acres: 12,808 acres (two ownerships); multiple parcels

Adjacent Waterways: To the east: Toe Drain.

Ownership of Adjacent Lands: Private Ownership North, South, East and West; State (DFG) ownership between the northern and southern properties.

Land Uses on Adjacent Lands: Agriculture, Private Duck Clubs, State Wildlife Area.

HISTORY OF OWNERSHIP OF THE SITE: Current owners of record: Los Rios Farms and Glide Ranch

DESCRIPTION OF THE SITE:

Topography: The Yolo Bypass is generally flat, and slopes north to south, and slopes from west to east.

Elevation of Land Area: The elevation at the north end is 10 feet, and at the south end is 5 feet. The elevation at the west edge is 15 feet, and at the west edge is 5 feet.

Status of Levees: Except for two parcels on the western edge, all land proposed for acquisition is within the Yolo Bypass. The Yolo Bypass is a floodway constructed in the 1900's as part of a flood control project designed to address flooding from the Sacramento River. The Yolo Bypass within the Legal Delta extends from the Yolo Causeway (I-80) south to the mouth of Cache Slough, just north of Rio Vista. The levees of the Yolo Bypass were designed and built by the Corps of Engineers.

Elevation of Levees (In relationship with 100-year flood plain): The levees were designed as part of a federal flood control project. Elevation unknown.

Groundwater Table Elevation: Unknown.

Soils: The soils in the northern site are designated "Unique Farmland". The soils in the southern area are: "Unique Farmland", "Grazing", and "Farmland of Local Importance". The soil association for the Yolo Bypass is largely "Capay-Sacramento association: moderately well drained to poorly drained, nearly level silty clay loams to clays; in basins" (Source: USDA, Soil Survey of Yolo County, California, June 1972).

Water Sources: Water is available from wells and from the Toe Drain.

Drainage From or Through Site: There are channels within the various properties that serve to move water through the various parcels.

General Plan Designation: A-P Agricultural Preserve (Yolo County)

Zoning: Zoning for Agricultural Preserve states "the purpose of the Agricultural Preserve Zone shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P zone is intended to be used to establish agriculture preserves in accordance with the California land Conservation Act of 1965, as amended. Uses approved on contracted land shall be consistent and compatible with the provisions of the Act." (Yolo County)

Principal uses (allowable with only site plan review and approval of facilities, infrastructure, health and safety issues) include:

- Agriculture (not dairies, stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter);
- One single-family dwelling;
- Parks, publicly owned, and

- Rural recreation (defined as the shooting of skeet, trap, and sporting clays; archery; gun, hunting, or fishing clubs; dude ranches; health resorts, incidental and dependent upon primary agricultural use, and/or directly dependent upon a unique natural resources feature; the use of public or private lands or structures for commercial staging of rafting, hiking, backpacking, bicycling, and/or touring excursion).

Williamson Act Contract: Approximately two-thirds of the land proposed for acquisition is under Williamson Act contract.

USES OF THE SITE:

Agricultural Uses and Crops-Present and Potential, and How They Relate to Animal and Bird Use: Current agricultural uses are row crops, field crops, and grazing.

Current Value of Crops: Unknown.

Current Property Taxes, Fees, etc. Which Support Governmental and Special District Activities: Unknown.

Length of Time in Agricultural Use: Island has been in agricultural use since mid-1800s.

Existing Utilities and Infrastructure: Existing utilities include electricity (development is restricted within the Yolo Bypass on lands subject to flowage easements).

Existing Gas Wells and Support Facilities: Unknown; current owners are retaining mineral rights.

Existing Structures and Uses: Tule Ranch, part of Exp #3, includes two residences, garage, shop, sheds, barns, storage buildings related to the cattle lease operation. Exp #4 includes a residence outside the Bypass that could be used as an interpretive center in the future.

Existing Recreational Uses (Including Developed Commercial or Public Recreation Facilities and Informal Recreational Uses): There are no public recreation facilities on the areas proposed for acquisition.

Existing Wildlife Habitat Values (Including Vegetation on Both Sides of the Levees, and Within the Interior of the Island/Tract): The northern property proposed for acquisition includes Green Lake, a 25-acre lake, and one of the few mature riparian areas existing within the Bypass. Riparian areas are located along the Toe Drain, along the east side of the Yolo Bypass.

The lands considered for acquisition contain habitat suitable for several threatened and endangered species.

Number of Current Residents: Unknown.

Number of Current Employees: Unknown.

HISTORY OF FLOODING: The Yolo Bypass is designed to flood in high water flow situations (see attached chart).

PURPOSE OF THE PROJECT: The Department of Fish and Game will brief the Commission on the proposed acquisition of 12,808± acres of land as an addition to the Yolo Bypass Wildlife Area (currently 3,735 acres) for the preservation and restoration of historic wetlands, habitat for wintering waterfowl and shorebirds, and other wetland associated species.

DETAILS OF THE PROPOSED PROJECT, OR PROJECT ALTERNATIVES UNDER CONSIDERATION:

Management: The Department of Fish and Game intends to continue management of the entire area for agriculture and for seasonal wildlife habitat. No management plan has been prepared; no funds for management have been identified at this time. No changes to the physical environment are proposed at this time.

Ownership: The Department of Fish and Game would hold the proposed as part of the Yolo Bypass Wildlife Area.

Constructed Facilities and Infrastructure: No constructed facilities and infrastructure is proposed at this time; existing structures may be used for a visitor center.

Estimated Project Costs: The Department of Fish and Game is seeking \$16,630,000 for acquisition, including miscellaneous costs.

Proposed Funding Sources: The Department of Fish and Game is seeking funds from Proposition 12, which designates \$265.5 million to the Wildlife Conservation Board for various acquisition and restoration projects (Public Resources Code, Section 5096.310(7)(m)).

Proposed Fees to be Paid in Lieu of Taxes and Assessments, If Any: Unknown.

NEARBY PENDING AND PROPOSED PROJECTS:

- The Department of Fish and Game owns and manages the 3,735-acre Yolo Bypass Wildlife Area. The first acquisition (3,150 acres) was approved in 1991, and later acquisitions were added in 1994.

- The U. S. Fish and Wildlife Service has been studying creation of the proposed North Delta National Wildlife Refuge. The properties south of the Yolo Bypass Wildlife Area were evaluated in the Service's "Environmental Assessment, Land Protection Plan, and Conceptual Management Plan" dated December 10, 1999. No final determination has been made regarding boundaries of the proposed North Delta National Wildlife Refuge.
- The Corps proposed a public access trail project on both sides of the Sacramento Deepwater Ship Channel extending its entire length; the project has not been pursued in the last year.

PERMITS/ACTIONS REQUIRED: No permits are required for acquisition, nor for continued management of the island for agriculture and seasonal wildlife habitat. A Notice of Determination that the acquisition is "categorically exempt" from the California Environmental Quality Act was filed with the State Clearinghouse on July 17, 2001. [*CEQA Guidelines, Article 19: Categorical Exemptions, Section 15313: Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.*]

CONFORMANCE WITH PROPOSED CALFED ACTIONS:

CALFED 's goals for the North Delta (235,850 acres including all of the Legal Delta to McCormack Williamson Tract and the Sacramento River to Rio Vista) include, for the entire 30-year length of the CALFED program:

- 1,500 acres of tidal perennial aquatic habitat;
- 1,000 nontidal perennial aquatic habitat;
- 50-100 miles /303-606 acres of Delta sloughs in Yolo Bypass;
- 2,000 acres of fresh emergent tidal wetland;
- improve 1,000 acres of seasonal wetland and restore 2,000 acres of seasonal wetland;
- 20-35 miles plus 500 acres of riparian and riverine aquatic;
- 1,000 areas of perennial grassland, and;
- a total-Deltawide-of 40,000 to 75,000 acres of wildlife friendly agricultural land.

CALFED has funded acquisition of Liberty Island (4,760 acres) for habitat restoration; the Island is owned by Trust for Public Lands. The Corps of Engineers acquired Little Holland Tract, a flooded 1,640 acre tract, in 1999 at the direction of Congress. Both of these holdings are south of the proposed acquisition areas. The Bureau of Reclamation owns, and the Corps and Department of Water Resources have approved a tidal habitat restoration project on Prospect Island, a 1,228-acre island acquired in 1995.

Several studies have been funded regarding strategies for managing the Yolo Bypass. Some studies looked at modified flooding regimes to enhance habitat for Splittail and Delta smelt. The Yolo Bypass

Working Group has been working to identify regulatory issues and management strategies for the Yolo Bypass.

The CALFED Record of Decision (August 2000) included mitigation measures regarding projects on agricultural land (see attached pages A-12-A-14).

ISSUES:

Agriculture:

Cumulative Impacts to Prime Ag Lands in the Area? None of the lands being evaluated for acquisition are designed "Prime". If agriculture is continued, there would be no impact to agricultural land.

Consistent with Williamson Act (State and County Levels)? Williamson Act applies to lands not owned by State or federal agencies.

Impacts to Adjacent Agricultural Land Uses, such as:

Seepage?

Weeds/Unwanted, Possibly Protected Plants "Migrating" to Ag Lands?

Protected Species "migrating" to Ag Lands?

Restrictions to Common, Accepted Ag Practices?

Acquisition and continued management as currently managed for agriculture would have no impact to adjacent agricultural land uses.

Buffer Areas Needed/Included Between Proposed Use and Existing Adjacent Uses?

Acquisition and continued management as currently managed would have no impact to adjacent agricultural land uses.

Would Development of New Aquatic Habitat Affect Nearby Water Diversions?

Acquisition and continued management as currently managed would have no impact to adjacent agricultural land uses.

Wildlife Habitat:

Will the Project Result in the Loss of Existing Habitat? What Type? No

Will the Project Protect and/or Enhance Existing Wetland Habitat (Duck Club, In-Channel Island)? The acquisition areas are adjacent to existing private duck clubs.

Is the Project Consistent with Regional Plans for Habitat Enhancement? There are goals for habitat enhancement in the North Delta and Yolo Bypass under the CALFED program; a Delta Region Ecosystem Restoration Plan is in preparation.

Does the Project Take Advantage of Wildlife Habitat Benefits Associated with Agriculture (Mosaic Concept; Seasonal Flooding; etc.)? Yes, the lands would continue to receive periodic flooding as part of the Yolo Bypass.

Are there Benefits Associated with “Adding On” to Existing Habitat Areas, Such as Creation of a Corridor? The acquisition and management of the island for seasonal wildlife habitat would create a corridor of publicly owned land in the Yolo Bypass, by adding land north and south of the Yolo Bypass Wildlife Area.

Are There Adequate Provisions for Management of the Site? The Department of Fish and Game would manage the acquired lands and would prepare a management plan for those lands.

Is Site Ownership an Easement Which Allows Land to Remain in Private Ownership? No.

Project on Publicly Owned Land, Within Designated Refuge, or Lands Subject to Flood Easement? Yes, while the land is in private ownership, almost all the land proposed for acquisition is subject to flood easement in the Yolo Bypass.

Recreation:

Will Existing Recreation Activities be Displaced? No current recreation activities.

Does the Project Include New Recreational Development (New Trails, New Overlooks, New Small Boat Launch Facilities; New Fishing Facilities; New Picnic Facilities; New Interpretive Facilities)? Unknown; Department of Fish and Game would address recreation and access in the management plan; recreation, access and education activities are currently available in the Yolo Bypass Wildlife Area through DFG and the Yolo Basin Foundation.

Would New Recreational Development Complement Surrounding Land Uses? Recreational development would need to consider and complement the private hunting clubs south of the acquisition areas.

Other Issues:

Address Mosquito Control Component? Proposed project would continue existing management. Any changes would need consultation with Sacramento Yolo Vector Control District.

Promote Subsidence Control? The lands proposed for acquisition are not subject to subsidence.

Impacts to Levees, such as:

Increased Levee Erosion/Impacts?

Water Pressure on Levees?

Unauthorized Recreation Uses?

Increased Flood Pressures on Downstream Levees?

Impacts to Levee Inspections and/or Maintenance?

Acquisition and continued agricultural land use would have no impact to levees. The levees are subject to inundation as part of the Yolo Bypass.

CONSISTENCY WITH DELTA PROTECTION COMMISSION'S LAND USE AND RESOURCE MANAGEMENT PLAN FOR THE PRIMARY ZONE OF THE DELTA:

The Land Use and Resource Management Plan for the Primary Zone of the Delta states:

Environment Policy P-1: The priority land use of areas of prime soil shall be agriculture. If commercial agriculture is no longer feasible due to subsidence or lack of adequate water supply or water quality, land uses which protect other beneficial uses of Delta resources and which would not adversely affect agriculture on surrounding lands, or viability or cost of levee maintenance, may be permitted. If temporarily taken out of agricultural production due to lack of adequate water supply or water quality, the land shall remain reinstatable to agricultural production for the future.

Environment Policy P-3: Land managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Deltawide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" and "Natural Community Conservation Planning" should ensure full participation by local government and property owner representatives.

Land Use Policy P-2: Local government General Plans and zoning codes shall continue to strongly promote agriculture as the primary land use in the Primary Zone; recreation land uses shall be supported in appropriate locations and where the recreation uses do not conflict with agricultural land uses or other beneficial uses, such as waterside habitat.

Land Use Policy P-8: Local government policies regarding mitigation of adverse environmental impacts under the California Environmental Quality Act may allow mitigation beyond County boundaries, if acceptable to reviewing fish and wildlife agencies, for example in approved mitigation banks. Mitigation in the Primary Zone for loss of agricultural lands in the Secondary Zone may be appropriate if the mitigation program supports continued farming in the Primary Zone.

Agriculture Policy Policy P-1: Commercial agriculture in the Delta shall be supported and encouraged as

a key element in the State's economy and in providing the food supply needed to sustain the increasing population of the State, the Nation, and the world.

Agriculture Policy P-2: Local governments shall identify the unique qualities of the Delta which make it well suited for agriculture. These qualities include: rich soil, ample supplies of water, long growing seasons, mild climate, and proximity to packaging and shipping infrastructure. The unique physical characteristics of the Delta also require that agricultural landowners maintain extensive levee systems, provide flood control, and have adequate drainage to allow the lands to be farmed.

Agriculture Policy P-8: Encourage management of agricultural land which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter, leaving crop residue, creation of mosaic of small grains and flooded areas, controlling predators, controlling poaching, controlling public access, and others.

Recreation and Access Recommendations R-6: State and federal projects in the Primary and Secondary Zones should include appropriate recreation and/or public access components to the extent consistent with project purposes and available funding. State and federal agencies should consider a private or user group improvements on publicly owned lands to provide facilities (example: windsurf access at Brannan Island State Recreation Area).