

**Lower Yolo Bypass Planning Forum
Planning Forum Meeting #9**

FINAL MEETING SUMMARY- PROJECT RE-START

MEETING DATE: February 26, 2010

LOCATION: Center for Collaborative Policy
815 S St., First Floor
Sacramento, CA

ATTENDEES:

Planning Forum Members and Co-Sponsors

Kathy Barnes-Jones, Solano County
Dave Feliz, DFG
Linda Fiack, Delta Protection Commission (DPC)
Mike Hardesty, Reclamation District (RD)
2068/2098
Tom Hester, Ryer Island/RD 501
Dale Hoffman-Flourke, Department of Water
Resources (DWR)
Robin Kulakow, Yolo Basin Foundation
(Foundation)
Osha Meserve, RD 999
Selby Mohr, Mound Farms
David Okita, Solano County Water Agency (SCWA)
Tom Philp, Metropolitan Water District (MWD)
Phil Pogledich, Yolo County
Melinda Terry, North Delta Water Agency (NDWA)
Jan Vick, City of Rio Vista

Becky Victorine, US Bureau of Reclamation (USBR)
Erik Vink, Trust for Public Land (TPL)
Maria Wong, Yolo Habitat Joint Powers Agency
(JPA)

Staff

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

Other Participants

Regina Cherovsky, RD 2035/Conaway
Cliff Covey, Solano County
Mitsuko Grube, DFG
Fred Jurick, DFG
Stephanie Spaar, DWR
Anita Pawley, DWR
Gina Von Klompenburg, DFG

All meeting materials are available on the Lower Yolo Bypass Planning Forum (Planning Forum) website at www.yolobypass.net under “Meeting #9” unless otherwise noted.

ACTION ITEMS

1. CCP will prepare a revised planning process document to reflect proposed dates for completion of all planning products. This document will be posted on the Planning Forum website.
2. CCP will post a copy of the Prospect Island DFG/DWR Memorandum of Understanding (MOU) to the Planning Forum website.
3. CCP will post a link to Delta Pumping Plant Fish Protection Agreement (commonly known as the Four Pumps Agreement) on the Planning Forum website.

4. CCP will draft a letter to the Bay Delta Conservation Plan (BDCP) Steering Committee requesting that the Planning Forum be utilized for the BDCP Yolo Bypass work group for distribution to the Planning Forum by March 10th.
5. Mike Hardesty will send the Delta Habitat Conservation and Conveyance Program (DHCCP) Fremont Weir presentation to CCP for posting to the Lower Yolo website.
6. CCP will contact Chris Bowles, CBEC Inc, and Karla Nemeth, BDCP, to determine the availability of new Yolo Bypass inundation maps.
7. CCP will provide a link to Little Hoover Commission water governance/conveyance information on Lower Yolo website.
8. CCP will develop BDCP Conservation Measure/Lower Yolo Bypass Scenario comparison matrix for distribution to the Planning Forum by March 5th.
9. CCP will develop a revised scenario straw proposal/actions list for distribution to the Planning Forum on March 5th.
10. CCP will develop a standard schedule for all future Planning Forum meetings.

Welcoming Remarks

Linda Fiack, Executive Director of the DPC and Robin Kulakow, Executive Director of the Foundation, Planning Forum co-sponsors, delivered opening remarks and thanked participants for attending. Ms. Fiack remarked that the DPC continues to support the Planning Forum process, and received positive responses to the October 27, 2009 memo “Status Report and Proposed Strategy for the Lower Yolo Bypass Planning Forum.” Ms. Kulakow added that the Foundation also continues to support the Planning Forum process and has received many inquiries about the status of the Planning Forum from various individuals.

Introductions, Agenda Review, Meeting Objectives and Announcements

Dave Ceppos thanked participants for providing “bridge funding” for the Planning Forum while state funding was unavailable due to the budget crisis. This funding allowed the Planning Forum to develop a BDCP Conservation Measure for the Yolo Bypass.

After participant introductions, Mr. Ceppos discussed a set of revised planning process guidelines captured in the document, “Proposed Revised Planning Process and Forum Outcomes.” He explained that due to the 2009 State budget crisis and the changing planning landscape (e.g. BDCP), the Planning Forum process had to be revised. Although the Planning Forum project area remains the same, a full management plan as originally envisioned may not be appropriate for the Lower Bypass. Instead, the Planning Forum could develop a series of “planning scenarios” for discreet areas within the Lower Bypass. These scenarios could follow a similar format to the BDCP Conservation Measure available online [here](#). A number of scenarios

could then be combined into a Management Strategy. The strategy would not be as technically specific as a full management plan or an environmental compliance document but can provide a starting point for future management actions.

Discussion:

- Tom Philp asked what the timeline for completing Planning Forum documents might be. Mr. Ceppos proposed that a management strategy could be completed by September 2010, a final report on Planning Forum activities by November of 2010 (**see Action Item #1**).

Discussion of Recent Developments in the Lower Bypass

Prospect Island

Stephanie Spaar delivered an update on the recent title transfer of Prospect Island from USBR to DWR. DWR completed a California Environmental Quality Act (CEQA) Notice of Exemption (NOE). The NOE is available on the Planning Forum website. Ms. Spaar reported that DWR conducted a field visit to Ryer Island with several Ryer Island representatives including Tom Hester. DWR is working with Ryer Island landowners to resolve seepage issues, and will develop a seepage monitoring plan. In the spring, DWR will also complete a habitat survey of the island.

Discussion:

- Several participants asked if there are still fish on Prospect Island. Tom Hester confirmed that there are.
- Mr. Hester noted that there appears to be more water on Prospect Island and Ryer Island now than in previous years.
- Dale Hoffman-Flourke commented that DWR and DFG are working together to develop a restoration plan for Prospect Island. An MOU was developed between the two agencies to outline the goals of habitat restoration; CCP will post a copy of the MOU to the website (**see Action Item #2**).

Liberty Island

Erik Vink provided an update on the recent title transfer of the Solano County portion of Liberty Island from TPL to DFG. The California Wildlife Conservation Board (WCB) approved the transfer on Thursday, February 25th. The Yolo County portion of Liberty is still owned by TPL and Wildlands, Inc. Wildlands is actively developing plans for restoration activities on its land.

Discussion:

- Dave Feliz commented that he has been assigned a role by DFG to help lead future management activities by DFG on the portion they have taken title transfer for. Gina Von Klompenburg is the biologist for Liberty Island, and Fred Jurick is in charge of planning activities.

- Mr. Jurick remarked that an amendment to the Delta Pumping Plant Fish Protection Agreement (commonly known as the Four Pumps Agreement) is under development to fund activities on Liberty. The amendment will address restoration targets required by the Operations Criteria and Plan (OCAP) and will move forward regardless of the outcome of efforts like BDCP. The amendment is not specific to any projects, but rather sets up a funding mechanism for such projects. Any physical actions will require a complete CEQA/National Environmental Policy Act (NEPA) review. Planning Forum participants agreed that the amendment to the Four Pumps Agreement should be an agenda item for the next meeting. Several participants raised a concern that the amendment process may be moving forward without adequate public review, and that any decision at this point could be predecisional. Further information on the Four Pumps Agreement is available online [here](#). This link is also available on the Lower Yolo website (**see Action Item #3**).

BDCP

Melinda Terry delivered an update on BDCP activities. An effects analysis for an isolated conveyance option is underway. Studies are being conducted on the viability of an underground canal/structure. BDCP is intended to cover aquatic and terrestrial species in the Delta; a 50,000 acre target for terrestrial restoration was recently identified. The north Delta, including the Lower Bypass, is targeted as a one of the major areas for all restoration (aquatic and terrestrial) to take place. One concern is that if BDCP uses all available land for its mitigation purposes, no acreage will be available for future other mitigation that will inevitably be needed. To resolve this and other issues in the Yolo Bypass, BDCP leadership has expressed an interest to create a Yolo Bypass stakeholder group to advise them

Discussion:

- Planning Forum members expressed concern over establishing an additional work group in the Bypass, and added that the Planning Forum, the Yolo Bypass Working Group (Working Group), and the Yolo Bypass Integrated Regional Water Management Plan Subcommittee of the Working Group could be used to fulfill this need. The Planning Forum will draft a letter to BDCP asking it to consider these existing groups when it convenes its work group (**see Action Item #4**).
- Maria Wong raised the concern that in a December BDCP meeting summary, there was a statement that the process is going well. She disagreed with this assessment and noted that local stakeholders remain concerned about the process. Ms. Terry recommended that this concern be submitted to the BDCP Steering Committee (Steering Committee) in writing.
- Osha Meserve said that an analysis of how public comments are being integrated into BDCP should be done by the Steering Committee. There is a concern that comments are not being considered or incorporated to iterative planning documents. This analysis must be separate from the EIR process that memorializes comments and responses.

Fremont Weir DHCCP Presentation

Mike Hardest discussed a recent presentation by DWR about the DHCCP and proposed modifications to the Fremont Weir. The Central Valley Flood Control Association sponsored the event and invited a broad cross section of water interests. This presentation is available on the Planning Forum website (**see Action Item #5**).

The presentation focused on proposed alterations to the Fremont Weir, including notching the Weir to 17.5ft elevation (down from the existing 33 feet sill height) and installing operable gates. The desired result of these modifications is to increase inundation of the Yolo Bypass for aquatic habitat. As currently discussed, these modifications would be “flood neutral” and inundate 20-30,000 acres in the Yolo Bypass. Planning Forum participants expressed concern that “flood neutral” may not be adequate, as the Yolo Bypass does not function to specification as currently operated.

Discussion:

- Selby Mohr asked if current inundation maps are available at this time. CCP will follow up with Chris Bowles, CBEC Inc., and Karla Nemeth, BDCP to find updated maps (**see Action Item #6**).

State/Federal Water Contractor Joint Powers Authority

Tom Philp and David Okita delivered an update on the recently formed State/Federal Water Contractor Joint Powers Authority (JPA). Mr. Philp commented that the JPA was formed to consolidate administrative “in house” duties for the water contractors and provide funding agreements for new projects, including a project on the Yolo Ranch/Westlands property adjacent to Liberty Island. The JPA is also waiting to analyze recommendations from the Little Hoover Commission on conveyance options. Information on the Little Hoover Commission is available [here](#) and on the Planning Forum website (**see Action Item #7**).

The JPA has also formed a habitat subcommittee. Mr. Okita reported that Solano and Yolo counties have actively engaged the JPA to discuss their concerns with BDCP. Solano County has raised concerns about three potential impacts of BDCP: the effect of endangered species on agricultural water diversions, impacts on endangered species from agricultural and urban runoff/discharge, and the economic effect of taking land out of production. The counties’ have stated that these impacts must be mitigated for in BDCP.

Discussion: Lower Bypass Conservation Scenario

Mr. Ceppos introduced a set of potential conservation actions for the Lower Bypass. He described that these actions have been raised over several months by Planning Forum participants and that CCP has compiled them for initial discussions by the Planning Forum. The actions include habitat creation/restoration on Liberty Island, Prospect Island, and within the Cache Slough Complex. Other actions speak to modifications of levees in and around the Lower Bypass to increase habitat, maximize flood conveyance, and reduce the impact of wave fetch on

adjacent federal Flood Control Project (FCP) levees. Participants agreed that the document must be vetted in internal Planning Forum discussions before posting to the Planning Forum website.

Discussion:

- Participants suggested that a matrix be developed to compare existing BDCP Conservation Measures to the proposed conservation actions. CCP will develop this matrix and distribute it to the Planning Forum on March 5th (**see Action Item #8**).
- Participants suggested that the proposed management scenario document prepared by CCP be restructured into a simple list of the proposed actions for comment and consideration. CCP will develop the revised document and distribute it to the Planning Forum on March 5th (**see Action Item #9**).
- Participants expressed the need for the entire Planning Forum to move quickly through the proposed actions, and that after initial full group discussions, there might be a benefit to create a subcommittee to do additional work on the actions however that remains premature until the full group has had a more focused discussion..
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Scheduling and Next Steps

Mr. Ceppos discussed scheduling and next steps, and asked meeting participants to raise any concerns about the proposed process guidelines discussed above. Mr. Philp responded that the proposed development of a compiled “strategy” and and “implementation report” seems redundant and unnecessary.

After a final discussion of the process guidelines, Mr. Ceppos noted that CCP will develop a standardized schedule for all future Planning Forum meetings. Participants asked that meetings not be scheduled on Tuesdays or the fourth Thursday of each month (**see Action Item #10**).