

Comments due 9-10-08

**Lower Yolo Bypass Planning Forum
Planning Forum Meeting #1**

DRAFT MEETING SUMMARY

MEETING DATE: August 27, 2008

LOCATION: Walnut Grove Public Library
14177 Market St
Walnut Grove, CA

ATTENDEES:

Planning Forum Members and Co-Sponsors

Kathy Barnes-Jones, Solano County
Brad Burkholder, Department of Fish and Game (DFG)
Rose Conroy, Davis Fire Department
Gilbert Cosio, MBK Engineers
Dave Feliz, DFG
Mike Hardesty, Reclamation District (RD) 2068/2098
Tom Hester, Ryer Island
Butch Hodgkins, Central Valley Flood Protection Board (CVFPB)
Jack Kuechler, RD 2060
Robin Kulakow, Yolo Basin Foundation (Foundation)
Barbara McDonnell, Department of Water Resources (DWR)
Julia McIver, Yolo County
Selby Mohr, Mound Farms
David Okita, Solano County Water Agency (SCWA)
Jason Peltier, Westlands Water District (WWD)
Tom Philp, Metropolitan Water District (MWD)
Tom Scheeler, Port of Sacramento
Melinda Terry, North Delta Water Agency (NDWA)
Topper Van Loben Sels, Delta Protection Commission (DPC)
Jan Vick, City of Rio Vista
Erik Vink, Trust for Public Land (TPL)
Bob Webber, RD 999
Maria Wong, Yolo Habitat Joint Powers Agency (JPA)

Staff

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

Interested Public

Charlie Alpers, US Geological Survey (USGS)
John Bohl, Concerned Citizens of Clarksburg
Peggy Bohl, Concerned Citizens of Clarksburg
Fran Borcalli, FloodSAFE Yolo Pilot Program
Ann Brice, Foundation
Joel Buettner, Sacramento Yolo Mosquito Vector Control District
Regina Cherovsky, RD 2035
Cliff Covey, Solano County Resource Management
John Currey, Dixon Resource Conservation District
Bill Darcie, KSN Incorporated
Dan Efsseff, Yolo Resource Conservation District
Dan Fua, CVFPB
Chris Fulster, Glide-In Ranch
Steve Grecco, UC Davis
Mitsuko Grube, DFG
Patrick Huber, UC Davis
Mick Klasson
Sam Miller, DWR
Peter Nixon, CB Richard Ellis
Tim O'Halloran, Yolo County Flood Control and Water Conservation District (YCFCWCD)
Bob Potter
Don Rasmussen, DWR Central Valley Flood Protection Plan (CVFPP)
Erik Ringelberg, Wallace-Kuhl and Associates
Steve Rodriguez, DFG
Chris Unkel, Ducks Unlimited
Russel Van Loben Sels
Jay Ziegler, Ziegler Associates/MWD

ACTION ITEMS

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1. The Center for Collaborative Policy (CCP) will develop new naming options for the proposed “Lower Yolo Bypass Management Plan”. The title “plan” may trigger some legal or regulatory conditions not intended by the process. The final document is intended to be a set of non-binding land management/use recommendations only. Due by September 12
2. CCP will distribute the Delta Vision “Articulation of Delta and Suisun Initiatives Timeline” in advance of the September 12th meeting. CCP will also provide the url where the timeline is readily available and updated.
3. CCP staff will finalize the development of the Planning Forum website (www.yolobypass.net) and will also establish an email “reflector” address to quickly broadcast messages and updates to all Planning Forum participants. The website will be launched in advance of the September 12th meeting and will include a project calendar, links to background materials and related projects. The reflector will be available to all Forum members but will require use protocols so all participants are using it in an agreed on manner.
4. Dave Ceppos, CCP, will convene a meeting/conference of the Planning Forum Charter Committee, ideally by September 5th to finalize development of the draft final Charter and Operating Rules for the September 12th meeting. Committee members include Maria Wong, Yolo Habitat Joint Powers Agency (JPA); Mike Hardesty, Reclamation District 2098/2068; Barbara McDonnell, Department of Water Resources (DWR); Brad Burkholder, Department of Fish and Game (DFG); and Jack Keuchler, Reclamation District 2060. An additional participant from private lands between the DFG Yolo Bypass Wildlife Area and Yolo Ranch may be asked to participate.
5. Sam Magill, CCP, will update the draft Planning Forum schedule including meeting locations, and distribute it to Planning Forum members by September 2th.
6. CCP will finalize the location of Meeting 2. CCP will distribute public notice of the meeting to be held on September 12 from 9 am to 12 noon.
7. CCP will prepare a proposed agenda for Meeting 2 on September 12. The agenda will ideally cover the three major topics for discussion as proposed by CCP in Meeting 1 (e.g. Regulations, Guidelines, Policies; Physical conditions and use suitability; and Stakeholder Goals, Objectives, and Success Criteria).
8. CCP, Yolo Basin Foundation, and Delta Protection Commission will merge their respective email lists into a unified project email list / reflector.

9. CCP will coordinate the next several months of educational sessions and will identify opportunities to hold these sessions as brown bag lunches as a means of maximizing meeting duration.
10. In the near future (relative to the project schedule) CCP will work with stakeholders to create a master list of current Lower Bypass in-lieu fees and assessment fees and the status of how / if they are paid by respective responsible parties.

Introductions

Dave Ceppos opened the meeting and provided Lower Yolo Bypass Planning Forum (Planning Forum) Members and public participants with a brief description of CCP. He then discussed meeting logistics and provided an overview of the meeting materials. Mr. Ceppos also noted that the Planning Forum is co-sponsored by the Foundation and the Commission and received funding from DFG.

Meeting participants were then invited to introduce themselves and the organizations that they represent. 23 Planning Forum members and 26 members of the public were in attendance.

Robin Kulakow thanked DFG for funding the Planning Forum effort. She then provided an overview of the Yolo Basin Foundation. The Foundation's governing board consists of 19 members with a wide range of interests and expertise in the Yolo Bypass.

Topper Van Loben Sels, DPC, thanked meeting participants for attending and provided an overview of the project and Commission's role as a co-sponsor.

Agenda Review

Mr. Ceppos provided an overview of the agenda and meeting objectives. He commented that a significant portion of the meeting would be spent on administrative issues including the Draft Charter and Operating Rules. He also commented that in the future, public meetings will be announced 2 weeks in advance, and all meeting materials will be posted to the Internet 5 days in advance.

Project History

Mr. Ceppos provided a history of the Planning Forum. The project grew out of a CALFED grant to the Foundation in the early 2000s. In 2005, CCP conducted and released a stakeholder assessment which stated that conditions in the Lower Bypass were feasible for a multi-stakeholder negotiation process. The vast majority of participants in that assessment process agreed that the physical conditions in the Lower Bypass required a comprehensive management plan to stop further degradation of the area and adjacent lands. Based on the results of the assessment, DFG decided to fund the process using \$300,000 in CALFED Ecosystem Restoration Program (ERP) funds.

On June 25, 2008, a tour was held to familiarize potential project participants with the physical area and some of the problems associated with a lack of management in the Lower Bypass. At the end of the tour, nearly all of the project participants agreed that the Planning Forum should move forward, and a management plan should be developed to address myriad competing interests and problems in the Lower Bypass. Mr. Ceppos explained that the Planning Forum will *not* be a decision making body in the legal sense, but rather will create a set of management recommendations for others to implement.

Mr. Ceppos then proposed the meeting ground rules for the day. He also commented that a public comment period would be provided after each agenda item.

Discussion:

- Chris Fulster asked what the Planning Forum might decide for the land between Yolo Ranch and the DFG Yolo Bypass Wildlife Area. Mr. Ceppos reiterated that the Planning Forum is a recommendation body only, and will serve as a venue for strategies to be developed in partnership with existing landowners. He stated that he does not know what the Planning Forum will recommend but that he hopes that Members and affected stakeholders provide input about this area.
- Don Rasmussen noted that the CVFPP will have a significant impact on Lower Bypass issues and should be taken into account in the Planning Forum process.
- Mr. Fulster remarked that the Lower Bypass has always been an excellent place for fish to spawn and he doesn't support or understand why there is so much emphasis now on changing things that have already been working well. .

Discussion of Opportunities and Constraints in the Lower Bypass

Mr. Ceppos directed meeting participants to review the "Lower Yolo Bypass Opportunities and Constraints Background Report.". Meeting participants were then asked to pair up in small groups and identify two options from the report that seemed the most promising, two options that raise the most concern, and any options that may be missing from the report. The groups then reported their findings back to the full group.

Small Group Reports and Discussion:

- Tom Hester and Brad Burkholder identified maintaining productive agriculture and balancing flood control with other interests in the Lower Bypass as two promising options in the Lower Bypass. The two concerns identified were Prospect flood issues and how they may impact farmers on Ryer Island, and adequately financing the management plan so that recommendations can be implemented.
- Dave Feliz and Jason Peltier identified the wide scope of Planning Forum issues as a benefit to the overall process. They identified concerns as the fish centric nature of planning processes in the Delta, and the sheer number of simultaneous planning processes. Mr. Feliz also suggested that any planning processes (including the Planning Forum) respect ongoing activities in the area such as the Yolo Bypass Wildlife Area Management Plan and a variety of waterfowl programs.
- Jan Vick and Bob Webber suggested that "balanced land management for Prospect Island" is both an opportunity and a concern. Maintaining adequate flood control on

Prospect Island protects adjacent RDs from flooding from the south. Conversely, poor maintenance of Prospect Levees could cause wide-spread flooding of RD 999 to the north. They also supported the idea of using vector control best management practices (BMPs) in all recommendations. Finally, Ms. Vick was concerned that the possible removal of restricted height levees on Egbert Tract could impact the flood control project levees on the east edge of Egbert Tract which could then threaten Rio Vista in high water events.

- David Okita, Kathy Barnes-Jones, and Selby Mohr, supported the idea of a North Bay Aqueduct relocation, but noted that it could cost a significant amount. A concern was that local governments can't keep up with all of the ongoing planning processes in the Delta. A concern was also raised that physical changes to the Lower Bypass such as illegal building could negatively impact flood conveyance and that there doesn't seem to be much enforcement against such activities.
- Mr. Van Loben Sels and Rose Conroy raised three concerns: pre-flooding or extending the inundation period of the Lower Bypass may compromise its role as a flood control structure above all else; introducing sensitive species could affect adjacent landowners; and seepage caused by increased flooding could impact landowners during the growing season. They identified the potential to create multi-use areas on the publicly owned lands in the Lower Bypass and the possibility for increased emergency response in these areas as promising opportunities. Mr. Van Loben Sels added that public owned lands should pay their share of in lieu and assessment fees and that any changes to the Bypass must remain "flood neutral" regarding potential impacts to conveyance.
- Julia McIver and Jack Keuchler raised the concern that there are a number of other planning processes/regulatory actions that could eclipse the Planning Forum. One opportunity identified was using the Planning Forum as a vehicle to make sure projects in the Lower Bypass are properly funded and include individual, long-term management plans. They also reiterated the concern about in lieu fees not being paid for public lands. Mr. Peltier asked if there is any accounting for the amount of unpaid fees at the county level. Ms. McIver was unsure of any one source for this information. Mr. Ceppos suggested that CCP look into this for future Forum discussion.
- Maria Wong and Tom Philp identified the potential for the Planning Forum to create partnerships for funding and land management as an opportunity in the Lower Bypass. Mercury levels and their regulation by the Regional Water Quality Control Board was identified as a concern.
- Butch Hodgkins and Barbara McDonnell identified raising ground for projects in the Lower Bypass as a concern, as it could alter the flood conveyance capacity of the system. Mr. Hodgkins noted that the Legislature requires 200 year flood protection for urbanized and urbanizing communities. For the cities of Sacramento, Davis, West Sacramento, and Rio Vista, their flood protection includes the status of the Lower Bypass. However, the Lower Bypass, currently provides 100 year protection at best (based on data from the 1986 and 1997 flood events). This means that the idea of "flood neutrality" may not be accurate but that rather, there may be a need for more Bypass capacity. The effects of altering the system, and how the CVFPP deals with the issue are very uncertain. An opportunity for land management is repeating some of the management practices of the Yolo Bypass Wildlife Area, which has shown itself to have little (if any) negative affect on flood conveyance. Ms. McDonnell added that there is an opportunity to incorporate

better knowledge of flood conveyance into our understanding and management of the area for different purposes (e.g. recreation, habitat, agricultural uses, etc.). She also stressed that recreation is inevitable in this area and that ignoring it or trying to limit it will only increase trespass and vandalism. Rather, the Forum needs to proactively address this condition.

- Tom Scheeler and Mike Hardesty reiterated the concern that introducing sensitive species to the area could have a negative effect on existing landowners. Mr. Hardesty reiterated Mr. Hodgkin's comments that "flood neutral" projects are not adequate: the entire Bypass must be improved to function in the way it was intended. As previously noted, the Lower Bypass should function as a flood control structure above all else. Additionally, the potential to move federal levees back could result in a loss of productive agricultural land and this may be unacceptable to affected adjacent landowners.
- Joel Buettner and Robin Kulakow identified the possibility of incorporating vector control concerns into the Planning Forum's recommendations as an opportunity. Ms. Kulakow also identified the multi-use capacity of agriculture to be "flood friendly" as an opportunity as well.
- Gilbert Cosio and Erik Vink raised the concern that given the breadth of issues, the Planning Forum could become too, "large and unwieldy." Additionally, they were concerned that the Biological Opinion (BO) could have a negative impact on the Lower Bypass. One opportunity is that the Lower Bypass itself can serve as a pilot study for projects elsewhere in the Delta. Mr. Cosio also expanded on some previous comments about flood management and moving dirt / adjusting topography in the Lower Bypass. He explained that while it is logical to assume that removing dirt in places throughout the Bypass expands capacity for flood, this theory is negated if those depressions are permanently inundated such as with tidal flows. He further explained that in such conditions, these depressions have already had their capacity "used up" by existing water and they do not then create expanded capacity during flood events.
- Melinda Terry and Steve Grecco suggested that one opportunity is pilot projects for habitat restoration in the Lower Bypass. Mr. Grecco noted that habitat restoration should focus on the idea of "habitat connectivity" to other areas outside of the Lower Bypass for maximum efficacy (i.e., small pockets of restored habitat may not be useful in the long term).
- Mr. Peltier commented that the Planning Forum is the only "on the ground" Planning Process in the Delta, and should assert itself in the other Delta planning processes as such. To do this effectively however, its recommendations will need additional scientific and legal review.
- Mr. Fulster supported the idea of using public land for recreation and public use. He was concerned that there is not enough specificity about *which* levees should be removed for flood conveyance improvements.
- Fran Borcalli suggested that one opportunity is to redesign the Lower Bypass to "flood by design instead of by default."
- Peggy Bohl suggested that the Planning Forum can give positive direction to other processes, and provide a venue for local input throughout the entire process.

Planning Forum Process Recommendations

Mr. Ceppos delivered a presentation on the Planning Forum process and proposed schedule. The presentation focused on defining the “decision space” that will be used to form the collaborative land management plan for the Lower Bypass. The decision space idea was summarized using the following Venn diagram:

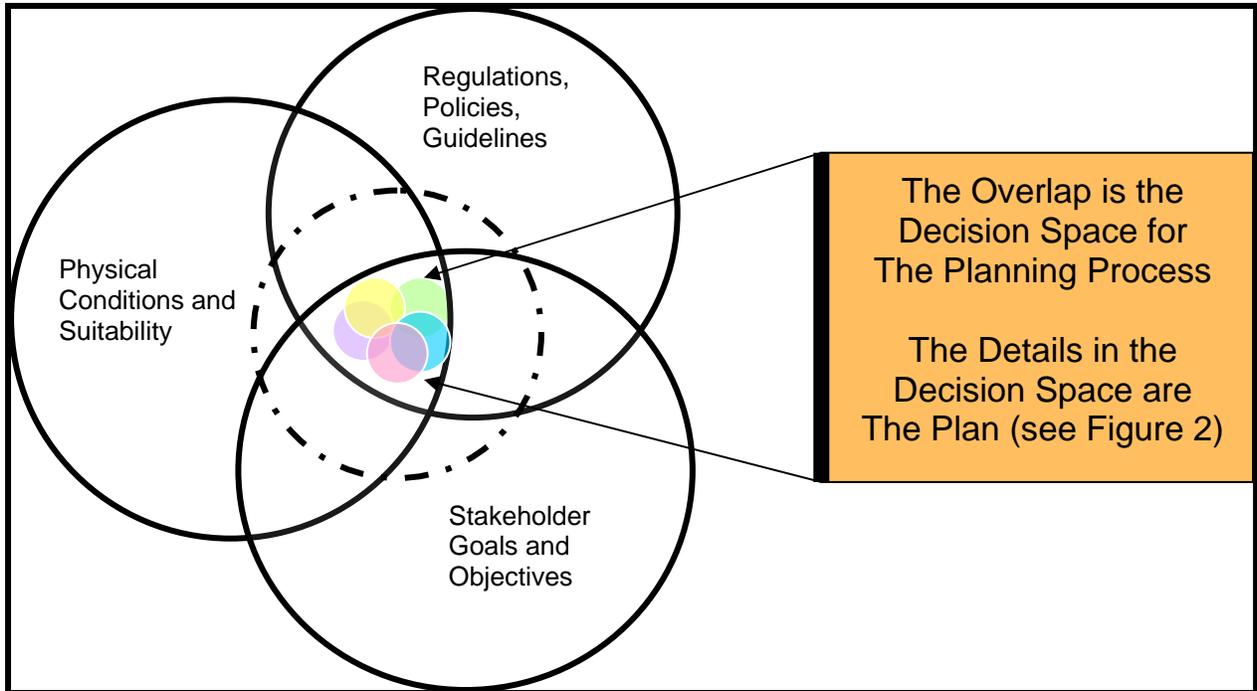


Figure 1: Decision Space Venn Diagram

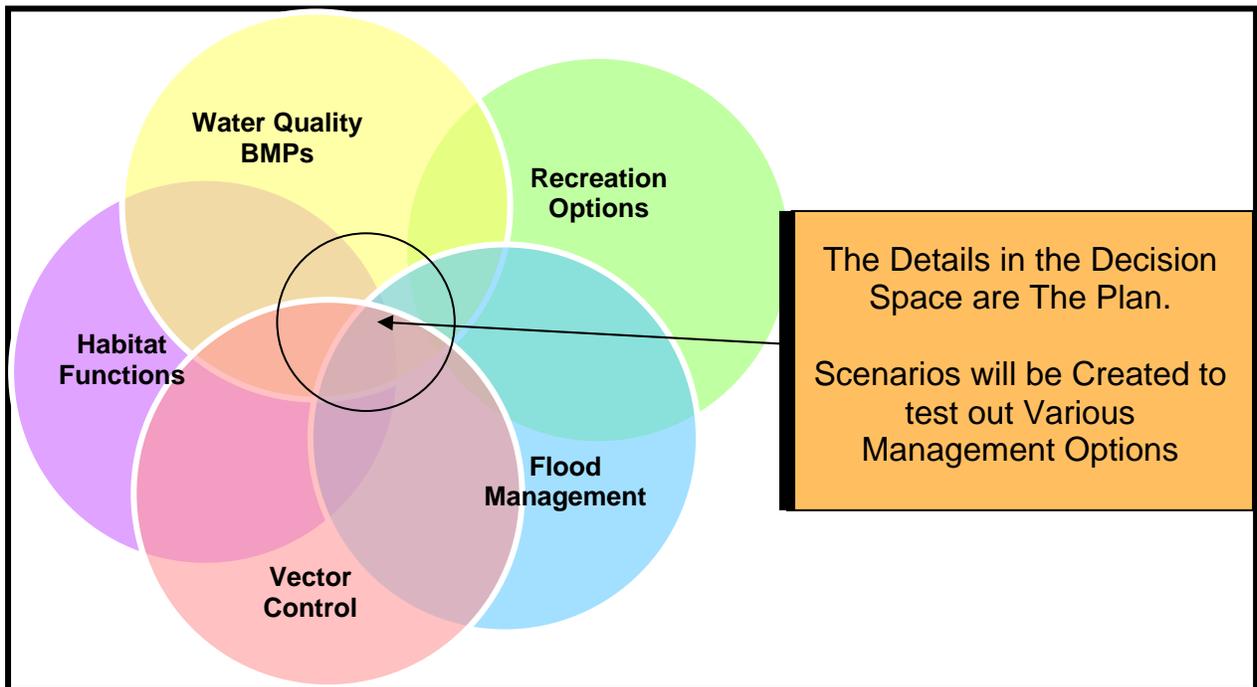


Figure 2: Decision Space Detail/Management Plan

After a discussion of the “decision space” concept, Mr. Ceppos led the Planning Forum in a review of the proposed schedule. The Planning Forum process will be divided into five distinct phases:

- Discovery
- Organization
- Education
- Negotiation
- Implementation

The Planning Forum has already completed the discovery and organization phases, and is now ready to begin the education phase. This phase will consist of 4-6 education sessions aimed at creating a “baseline” of common information for all Planning Forum participants. The education phase is expected to be completed by November 6, 2008.

The Planning Forum will then immediately move into the negotiation phase and begin developing management scenarios based on the details in the decision space. The scenarios will ultimately be developed into the management plan. By September/October of 2009, Planning Forum participants will have tested the management scenarios based on mutually developed criteria for success and prepared the final management plan.

Discussion:

- Mr. Peltier noted that Planning Forum process should include looking at all other processes in the Delta to include/exploit existing data wherever possible.
- Mr. Peltier noted that 3 hour meetings may be too short, and that it could be useful to have brown bag presentations while participants eat.
- Ms. McDonnell suggested that it would be useful to develop a subgroup charged with vetting the plan with other processes. An impacts plan to see how the Planning Forum’s plan affects other agencies, financing capacity, and the environment will also be necessary, but beyond the scope of this group. Steve Rodriguez, DFG, commented that the plan itself could be a precursor to this study.
- Ms. McDonnell commented that the Forum may wish to develop a different term than “management plan” for its final work product, as the name “management plan” may have legal connotations (**see Action Item #1**).
- Ms. Wong remarked that it could be useful to forward ideas from the Planning Forum directly to other planning processes in an official format as they are developed to avoid “getting left behind” as Delta Vision and the BDCP are completed. Mr. Ceppos agreed, and noted that this could help elevate critical ideas more quickly.
- Mr. Peltier asked CCP to distribute the Delta Vision “Articulation of Delta and Suisun Initiatives Timeline” (**see Action Item #2**).
- Mr. Peltier suggested setting up a “reflector” listserv to allow Planning Forum members to quickly distribute messages to other members. This listserv is already under development by CCP, along with the Planning Forum website (**see Action Item #3**).
- Mr. Ceppos reminded meeting participants that while all plenary sessions will be open to the public, there may be individual subcommittee meetings that will not. Results from

small group discussions will be reported back to the Planning Forum as appropriate and acceptable to the involved participants.

- Mr. Ceppos asked the Planning Forum if the basic structure of the decision space was acceptable. Planning Forum members unanimously approved it is an initial framework for the development of a plan and the proposed schedule.

Planning Forum Charter and next steps

The meeting ran short on time without being able to address the proposed Planning Forum Charter. Mr. Ceppos stated this is still an important task and asked for volunteers to form a Committee to address this further. Ms. Wong, Mr. Hardesty, Ms. McDonnell, Mr. Burkholder, and Mr. Kuechler volunteered to form a “Charter Committee” to deliberate on the Draft Charter and Operating Rules and report their findings at the September 12th meeting (see **Action Item #4**).

CCP will update the schedule of meetings, including locations, and distribute it to the Planning Forum on September 5th (see **Action Item #5**).

Mr. Ceppos also discussed the upcoming Planning Forum meeting on September 12th. CCP will finalize the location of Meeting 2 and distribute the public notice for the meeting on August 29th (see **Action Item #6**). An agenda will be prepared and distributed by September 5th that includes the three major topics discussed in Figure 1 (see **Action Item #7**).

Other items discussed during the meeting and identified for further action by CCP also included:

- Merging the Foundation, DPC, and CCP email lists into a unified distribution list (see **Action Item #8**).
- Coordinating multiple education sessions and identifying opportunities to hold these sessions as brown bag lunches before or after plenary sessions of the Planning Forum (see **Action Item #9**).
- Working with stakeholders to create a master list of current in-lieu fees/assessment fees collected for lands in the Lower Bypass (see **Action Item #10**).