

**WORKSHOP COMMENTS of the YOLO BASIN FOUNDATION
on the DELTA VISION STRATEGIC PLAN of the
DELTA VISION BLUE RIBBON TASK FORCE
DECEMBER 5, 2008**

The YOLO BASIN FOUNDATION (Foundation) * is a non-profit organization formed in 1990 to inspire and educate the public about wetlands and wildlife of the Central Valley while promoting innovative partnerships. Its primary focus has been the creation and management of the Vic Fazio Yolo Bypass Wildlife Area as a resource for the public, working in partnership with the Department of Fish and Game (DFG) and numerous other federal, state and local agencies and organizations. The Foundation has received numerous awards and recognitions for its work in promoting collaborative approaches to managing the lands, water and institutions in the Yolo Bypass over the past twenty years. A list of organizations and public office holders who have been engaged with the Foundation's working groups and collaboratives is attached to these Comments. These Comments reflect the position of the Foundation's Board, a list of whose membership is attached.

The Yolo Bypass Wildlife Area as managed by State Department of Fish and Game is an innovative mix of rice culture, cattle grazing, and row crops that combined with state of the art wetland management, has created a prime example of a wildlife friendly working landscape. It is compatible with flood protection and it is supported by the community. In short, it is the epitome of the vision for a healthy, sustainable Delta.

The Delta Vision Strategic Plan of the Delta Vision Task Force is by-and-large a comprehensive, well-thought-out approach to Delta issues. Its embrace of adaptive management and a balanced approach to the twin objectives of reliability of water supply and Delta ecosystem restoration for multiple uses is both realistic and far-sighted. However, its approach to issues in the Yolo Bypass (Bypass) is a departure from these high standards. The treatment of the Bypass raises serious concerns and is both procedurally and substantively flawed. As a result, the

* The Foundation's website is found at <http://www.yolobasin.org>. *The Yolo Bypass Wildlife Area Land Management Plan* referred to throughout these Comments is available on the website.

Strategic Plan recommended actions both undermine existing successes and obstruct achievement of Strategic Plan goals.

The procedural flaws involve a failure to participate in the ongoing discussions of the Yolo Bypass Working Group and to consider fully formal plans, commitments and environmental documents for the Bypass developed over almost twenty years. This includes most recently the comprehensive *Yolo Bypass Wildlife Area Land Management Plan (Management Plan)* issued by the Department of Fish and Game in June 2008 after five-and-half years of collaborative stakeholder effort (*Management Plan*, Appendix A, Public Outreach Summary). A hard copy of the *Management Plan* is attached to the original of these Comments.

Other existing commitments specific to the Bypass but not fully or explicitly considered in the Strategic Plan Final Report include:

- Agreements signed by DFG to manage habitat that is compatible with flood control: Project Modification Report, US Army Corps of Engineers and DFG 1992
- Legal requirements of federal and state easement programs including federal Wetland Reserve Program, Presley Program and others on both public and private lands which require a set management regime.
- Use of North American Waterfowl Conservation Act (NAWCA) funds to restore wetlands obligates DFG to manage the constructed wetlands for the benefit of migratory waterfowl and shorebirds in perpetuity.
- DFG's commitments to the Central Valley Habitat Joint Venture to manage wetlands for waterfowl and shorebirds as directed by the North American Waterfowl Management Plan, an international treaty aimed at protecting migratory waterfowl populations.

The Yolo Bypass is treated by the Strategic Plan primarily as a water conveyance facility, rather than the complex mix of agriculture and terrestrial, wetland and aquatic ecosystems that it is. Full consideration of the *Management Plan* and the stakeholder discussions that led up to it might have improved Delta Vision understanding and treatment of the Bypass.

The procedural flaws lead directly to the major substantive flaw, the Proposed Action 3.1.1(a), implementing Strategy 3.1:

Sacramento River/Yolo Bypass: Increase inundation frequency on the Yolo Bypass by 2015 without compromising flood protection. Modify the Fremont Weir and other internal waterway features as needed to allow the Yolo Bypass to 1) flood at least 60 days continuously between January and April every other year except during critical dry years, and 2) provide multiple inflow pulses at two-to-three week intervals during this inundation period. Doing so promotes

primary and secondary productivity, splittail spawning, as well as other benefits. Improvements should ease passage impediments at the Fremont Weir, Lisbon Weir, Toe Drain, and other barrier points for adult and juvenile salmon, sturgeon, and splittail. These actions will be balanced with existing fish and wildlife benefits provided in the bypass. (Strategic Plan, page 71)

Proposed Action 3.1.1(a) directly contradicts the *Management Plan* and would have devastating impacts, unacknowledged by the Strategic Plan, on the extensive state and federal investments in the Yolo Bypass Wildlife Area. The Yolo Bypass Interagency Working Group -- made up of representatives of National Marine Fisheries Service, US Fish and Wildlife Service, DFG, DWR and National Oceanic and Atmospheric Administration -- and DFG in the *Management Plan* have formally considered and rejected Fremont Weir modification in favor of five other measures for improving fish habitat without adversely affecting flood control, agricultural operations, public uses and habitat management in the Bypass. (*Management Plan*, 3.1-18)

Proposed Action 3.1.1(a) should be eliminated from the Plan, or modified to eliminate the Fremont Weir proposal and the 60 days of continuous inundation element.

Proposed Action 3.1.1.1(a) substantially increases the frequency and duration of spring inundation of the Bypass resulting in significant adverse impacts for every stakeholder in the Bypass.* These impacts include:

Public Use (All public use activities must cease when the Fremont Weir spills)

Hunting Activity: Over 4,000 hunters utilize the Yolo Bypass Wildlife Area from throughout northern California. Hunter dollars provide the largest component of the operating budget at the Yolo Bypass Wildlife Area.

* Note that the "balancing" considerations in Proposed Action 3.1.1(a) are limited to "existing fish and wildlife uses." This appears inconsistent with other goals for the Strategic Plan since it ignores the existing public, educational and recreational uses of the Yolo Bypass Wildlife Area and private landholdings in the Bypass. Compare Goal 2 and Strategies 2.2 and 2.3. If the Proposed Action 3.1.1(a) is retained in any form, the balancing concerns must include public uses including recreation, education, and agriculture.

Wildlife Viewing: It is estimated that 30,000 people a year visit the Wildlife Area to view the large variety and number of birds, which peak in the winter and spring months.

Education: Approximately 4,000 students annually visit the Wildlife Area annually as part of the "Discover the Flyway" program sponsored by Yolo Basin Foundation in partnership with the Dept. of Fish and Game. The program serves students from over 100 schools in 5 counties.

Agriculture

Agricultural Activities: There will be an inability to plant fields until they have dried out enough to begin ground tillage. Delaying this initiation of farming activity severely limits what can be grown here. White rice production will be severely impacted. A letter from Jack De Wit, the largest farmer in the Bypass, is attached.

Forage value of uplands: Prolonged flooding results in the introduction of unwanted plant species, such as cocklebur, in the uplands. The loss of forage value will necessitate lower grazing lease fees, and subsequent reduction in operating funds for the Yolo Bypass Wildlife Area.

Wildlife

Threatened and Endangered Terrestrial and Wetland Species: There will be adverse impacts to numerous protected terrestrial species, including Giant Garter Snake, Snowy Plover, Conservancy Fairy Shrimp, and Ferris' Alkali Milk Vetch.

Spring nesting activity for birds will be nearly eliminated. Ground nesting birds such as waterfowl, harriers, kites and shorebirds are especially vulnerable to spring flooding. Fewer rodents due to flooding will result in a reduction in food for wintering raptors.

Vector Control

Established Best Management Practices for wetland management under controlled conditions will not apply, resulting in increased mosquito production, violating the working relationship among DFG, Sacramento-Yolo Mosquito and Vector Control District and other agencies.

Flood Control

Agreed upon vegetation densities will not be manageable with increased spring flooding, which encourages uncontrolled growth of tules, cattails and willows. This will make the Wildlife Area non-compliant with the flood control function of the Yolo Bypass.

Methyl Mercury

Best Management Practices now being developed as part of a Total Maximum Daily Load for the Delta, will reduce the creation of methyl mercury in wetlands that is subsequently

transported to the Delta. These BMPs will not be applicable with increased flooding. The result could be a net increase in the levels of methyl mercury being transported to the Delta.

The Bypass can be -- and already is -- the location of extensive fish habitat and aquatic ecosystem restoration activities that are compatible with agriculture and flood control, as well as the Strategic Plan's balanced vision. The *Management Plan* (Pages 3.1-17 through 3.1-20) supports the five (5) measures determined by the Yolo Bypass Interagency Working Group for improving fish habitat, beginning with realignment of Putah Creek for improving salmon passage, increasing shallow flooded habitat and creating tidal marsh habitat on existing public land (the Yolo Bypass Wildlife Area). **There is the potential for approximately 800 acres of improved fish habitat associated with this action that is already partially funded with the first one hundred acres of expanded tidal marsh habitat restoration slated to begin next summer.** We encourage Delta Vision interests to work with us in making this project a success.

The goals of the Delta Vision Strategic Plan will be successful only if there is broad-based community input and support. We think that the lessons our community has learned in the 20-year effort on behalf of Yolo Bypass Wildlife Area offer hope for restoring a healthy Delta that meets the needs of all Californians.

ATTACHMENTS

List of YBF Board members
List of stakeholder/collaborators
Yolo Bypass Wildlife Area Management Plan
Jack De Wit, De Wit Farms Letter
Putah Creek Realignment Visual