Lower Yolo Bypass Planning Forum

815 S St. -First Floor, Sacramento, CA 95814 (916)445-2079

December 15, 2008

Secretary Michael Chrisman
Resources Agency
Chair, Delta Vision Committee
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Chrisman,

Summary: The Lower Yolo Bypass Planning Forum* (Planning Forum - described below) has reviewed the Delta Vision Strategic Plan, particularly Action 3.1.1 (a) regarding modification of the Fremont Weir and periodic planned inundation of the Yolo Bypass. We believe it is premature for the Delta Vision Committee (Committee) to recommend this action to the Governor and for this action to be included in any near-term legislation regarding the Delta. Our rationale is described below.

The Planning Forum is co-sponsored by the Delta Protection Commission and Yolo Basin Foundation and is funded through generous support from the Department of Fish and Game (DFG). It is an extensive and inclusive collaboration among public and private entities having a stake in the Lower Yolo Bypass, an area defined generally as extending from the south end of the DFG Yolo Bypass Wildlife Area to and including the City of Rio Vista as well as the adjacent Reclamation Districts east and west of the Bypass. The purpose of the Planning Forum is to create common understanding and a mutually acceptable plan for the long-term management of the Lower Yolo Bypass. As you know this area has a range of public and private land owners and many competing challenges regarding its use (flood control, farming, ecosystem restoration, water quality, recreation, etc.). The Planning Forum meets monthly. A membership list is attached.

At the December 9, 2008 meeting of the Planning Forum, the Members received a presentation from staff of the Bay Delta Conservation Plan (BDCP). During this presentation, significant discussion took place about BDCP's preliminary idea to create an operational facility in the Fremont Weir (a "notch") and increase periods of Bypass inundation to support native fisheries through managed flow releases down the Bypass. Through the discussion, it became clear that this idea is quite conceptual and that very critical operational parameters and associated impacts have not been fully considered or resolved yet. These potential impacts include but are not limited to:

- Elimination of many agricultural production activities with resulting economic losses. Private agricultural operations are the principal method through which flood capacity in the Yolo Bypass is maintained.
- Increased vegetation types and densities, resulting in decreased flow capacity in this critical flood control facility.

- Potential increases of methylmercury, which will be transported to the Delta during flood events.
- Elimination of valuable waterfowl and shorebird habitat on private lands and the DFG Yolo Bypass Wildlife Area.
- Elimination of public use and education programs at the DFG Yolo Bypass Wildlife Area; programs that are the most popular of their kind in the Delta during the prime winter/spring waterfowl migration.
- Increased production of mosquitoes during warm spring days, requiring increased vector control methods and costs.
- Legal, institutional, and contractual implications related to potential renegotiation and modification of existing Yolo Bypass flowage easements.
- Conflicts with land management practices and infrastructure resulting from increased abundance of special status species in the Yolo Bypass/Cache Slough region.
- Increased opportunity for scour and erosion damage to unarmored Bypass levees.

Of concern by the Planning Forum is that despite these questions and the potential impacts of proceeding with this proposed structural modification, this idea has made its way into the Delta Vision Strategic Plan now being considered by you and your fellow Agency Secretaries on the Committee. More specifically, Action 3.1.1 (a) proposes:

> 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. (*Delta Vision Strategic Plan, page 71*)

There are real, potentially deleterious effects to the entire Yolo Bypass and associated region that could result from this Action moving forward with recommendations by the Committee. Native Delta fisheries improvement objectives are critical and need to be resolved. But such objectives should be addressed through focused, transparent discussion and analysis that includes the public and private landowners and land managers, regulatory agencies, and other agencies and organizations that have specific land management responsibilities or interests in the Yolo Bypass. Tacit approval of far reaching concepts such as the Fremont Weir action can retain a "life of their own" through subsequent legislative consideration.

The Members of the Planning Forum acknowledge and appreciate the time-critical nature of the work by BDCP, and potential near-term legislative steps about the Delta that will be informed by the work of the Delta Vision Stakeholder Group, Blue Ribbon Task Force, and your Committee. Our planning timeline to prepare an "on-the ground" plan for this portion of the Delta is consistent with BDCPs. We have established integration steps with BDCP such that we can inform that process, they can inform us, and we can create mutual agreements and long-term benefits to address all Delta challenges (i.e., water delivery, water quality, ecosystem improvements, regional economic health, etc.).

In closing, the Members of the Planning Forum strongly encourage you, the Committee, the Governor, the BDCP process, and State legislators to be thoughtful, aware, and willing to maintain a transparent consideration of this and similar ideas that will affect the Yolo Bypass and associated region. We support (and are prepared to be a part of) a robust discussion about these topics. We oppose any pre-emptive decisions by State leaders that can set the stage for "de-facto" inclusion of structural changes to the Bypass without such thoughtful, legal, transparent public consideration. Lastly, please note that this letter does not attempt to pass judgment pro, or con on the entire Delta Vision Strategic Plan. For the purpose of this communication we are focusing exclusively on the Yolo Bypass topics.

Sincerely,

Members of the Lower Yolo Bypass Planning Forum

Reclamation District (RD) 536	Gilbert Cosio
RD 2068 and 2098	Mike Hardesty
RD 501	Tom Hester
RD 2060 and Hastings Island Land Company	Jack Kuechler
RD 2093 and Trust for Public Land	Erik Vink
Wildlands Inc.	Brian Monaghan
Westlands Water District	Jason Peltier
Mound Farms	Selby Mohr
Department of Fish and Game (DFG)–Yolo Bypass Wildlife Area	Dave Feliz
DFG – Bay-Delta Program	Brad Burkholder
Yolo County Natural Heritage Program	Maria Wong
Solano County Water Agency / Solano HCP	David Okita
Department of Water Resources, Division of Environmental Services	Barbara McDonnell
Central Valley Flood Protection Board	Butch Hodgkins
Solano County	Kathy Barnes-Jones
Metropolitan Water District	Jay Zeigler
North Delta Water Agency	Melinda Terry
East Davis County and No Man's Land Fire Protection Districts	Rose Conroy
Sacramento – Yolo Mosquito and Vector Control District	Joel Buettner
Yolo County	Julia McIver
City of Rio Vista	Jan Vick
Co-sponsor – Yolo Basin Foundation	Robin Kulakow
Co-Sponsor – Delta Protection Commission	Linda Fiack
Glide-In Ranch (*Proposed Member*)	Don Stevens

cc:

Delta Vision Committee
Linda Adams, Secretary of Environmental Protection
Dale Bonner, Secretary of Business, Transportation and Housing
Michael Peevey, President of the California Public Utilities Commission
Joe Grindstaff, Deputy Secretary for Water Policy
A.G. Kawamura, Secretary of Food and Agriculture
John Kirlin, Executive Director, Delta Vision

California State Legislature
Senator Lois Wolk
Assemblymember Mariko Yamada

California Department of Water Resources
Lester Snow, Director

California Department of Fish and Game
Don Koch, Director

Solano County Board of Supervisors
Supervisor John Silva
Supervisor John Vasquez
Supervisor Barbara Kondylis
Supervisor Jim Spering
Supervisor Mike Reagan

Yolo County Board of Supervisors
Supervisor Mike McGowan
Supervisor Helen Thomson
Supervisor Matt Rexroad
Supervisor Duane Chamberlain

Bay Delta Conservation Plan
Laura King Moon, State Water Contractors
Karla Nemeth, Bay Delta Conservation Plan Liaison

Lower Yolo Bypass Planning Forum
Membership List
December 2008

Present and/or represented at the December 9, 2008 meeting

Reclamation District (RD) 536	Gilbert Cosio
RD 2068 and 2098	Mike Hardesty
RD 501	Tom Hester
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Co-Sponsor – Delta Protection Commission	Linda Fiack
Glide-In Ranch (*Proposed Member*)	Don Stevens

Not Present at December 9, 2008 meeting

Yolo County	Julia McIver
RD 999	Bob Weber
RD 2084 and Egbert Tract	Open
US Bureau of Reclamation	Brad Hubbard
Port of Sacramento	Tom Scheeler
US Army Corps of Engineers	Brooke Schlenker