



January 26, 2011

Ms. Terry Macaulay
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

**Re: SCOPING COMMENTS OF YOLO BASIN FOUNDATION
for the DELTA PLAN**

Dear Ms. Macaulay:

Thank you for the opportunity to provide scoping comments for the Delta Plan. Please include the documents in the attached binder as part of this letter. These documents are referred to in the body of the letter and provide additional information and detail in support of the Comments.

The Yolo Bypass is an important part of the landscape, infrastructure and community of the Delta. The Bypass is a 59,000-acre floodway that protects the City of Sacramento and surrounding communities and farmland by diverting Sacramento River flows onto farmland and open space when they reach flood stage. There is a complex mosaic of publicly and privately managed agricultural land and seasonal wetlands that maintain the floodway; contribute to the agricultural economy of Yolo and Solano Counties; sustain essential habitat for birds traveling the Pacific Flyway and endangered flora and fauna; and provide a myriad of public uses including hunting, bird-watching, outdoor education, hiking, research, painting, photography and other recreational activities.

The Yolo Bypass is home to the 16,740-acre Yolo Bypass Wildlife Area (Wildlife Area) owned and managed by the California Department of Fish and Game (Fish and Game). Rice farming, organic tomatoes and rangeland on the Wildlife Area property provide income to farmers and ranchers and fund the operations of the Wildlife Area. Wildlife friendly farming practices provide food and shelter for migratory and resident birds by the tens of thousands. A popular and growing hunting program serves over 4,000 hunters every year.

The Yolo Basin Foundation provides a full complement of educational and outreach programs in partnership with Fish and Game. Monthly field trips, summer bat viewing, a spring vernal pool open house and the California Duck Days wetlands festival provide high quality wildlife viewing, hiking, and educational opportunities for thousands of people every year. The Discover the Flyway program for schools brings over 4,000 K-12 students to the Wildlife Area annually, from over 100 schools in Sacramento, Yolo, Solano, El Dorado and Placer Counties. Painters and photographers visiting the Wildlife

Area pursue their art in growing numbers. Over 100 volunteers contribute 5,000 hours of work to support these programs.

Many regulatory issues affect management of land in the Yolo Bypass. All activities must maintain the flood control function of the Bypass by restricting the growth of tules, cattails, willows, and cottonwoods. Research is underway that will contribute to the development of Best Management Practices to address the Delta methyl mercury TMDL requirements. Farmers and wetland managers must comply with the requirements of the Ag Waiver program. Control of vector-borne diseases is regulated by the Sacramento Mosquito and Vector Control District using innovative Best Management Practices. Each of these projects has been the subject of long-term discussion and planning to develop adaptive management procedures for the Bypass.

There are large sections of privately owned and managed seasonal wetlands that operate as duck hunting clubs. Thousands of acres of land are under federal and state conservation easements. The Natural Resources Conservation Service, US Fish and Wildlife Service, State Department of Water Resources and Fish and Game own these wetland easements. There are also several mitigation banks in the Bypass, for Giant Garter Snakes and Delta Smelt, both endangered species.

All land in the Bypass is subject to flood easements dating back as far as 1916. Levees are maintained by a series of Reclamation Districts. The Department of Water Resources also maintains miles of Yolo Bypass levees. There is concern that the Yolo Bypass does not have the carrying capacity needed to protect property during the largest storm events.

The Delta Plan will join numerous other land management plans guiding land use in the Bypass that are already in place; and others are underway. There are specific wetland restoration and management goals for the Yolo Basin in the Central Valley Joint Venture Management Plan, implementing the North American Waterfowl Management Plan, an international treaty respecting waterfowl migrations along the Pacific Flyway, among other routes. The Yolo Bypass Wildlife Area has an innovative Land Management Plan that was adopted by Fish and Game in 2007. The Yolo Natural Heritage Program (HCP/NCCP) is in the final stages of development by Yolo County. Each wetland conservation easement has an associated wetland management plan. The Central Valley Flood Protection Plan is under development by the Department of Water Resources (DWR) with a 2012 deadline. The Bay Delta Conservation Plan (BDCP) includes far-reaching conservation and water management measures that would profoundly affect land management in the Bypass. Land management in the Bypass has been characterized by years of patient cooperative and collaborative planning represented by these existing plans.

The Yolo Bypass Wildlife Area is a prime example of ecosystem management rather than single species management for a specific special status species. Yolo Bypass agricultural fields and wetlands are home to many special status species. The Yolo Bypass provisions in the Delta Plan should respect and replicate this ecosystem approach.

The following is taken from the Yolo Bypass Wildlife Area Land Management Plan Biological Resources Section 3.5 (www.yolobasin.org):

Two-hundred-eighty terrestrial vertebrate species are known to use the Yolo Bypass Wildlife Area at some point during their annual life cycles (Appendix G), over 95 of which are known to breed in the Yolo Bypass Wildlife Area. The Yolo Bypass Wildlife Area also provides suitable habitat for 23 additional species that may occur on site but have not yet been observed there. The Yolo Bypass Wildlife Area is also known to support 38 special-status wildlife species (Table 3.5-3), and many more are locally rare or have specialized habitat requirements that the Wildlife Area provides. The Wildlife Area also provides seasonal or permanent aquatic habitat for 44 species of fish, 8 of which are special-status species (Table 3.5-5). Hundreds of invertebrate species also inhabit the Wildlife Area, including five special-status invertebrates (Table 3.5-3). Under the ecosystem management approach, management of the Yolo Bypass Wildlife Area is intended to maximize benefits for the full suite of these species as opposed to management at the single-species level.

For over 20 years the Yolo Basin Foundation has facilitated discussions among the many stakeholders in the Bypass. These discussions continue regularly with the Yolo Bypass Working Group. We encourage Delta planners to use the knowledge gained through many hours of stakeholder meetings. The Yolo Bypass Working Group is a good forum to gather and share information, listen to stakeholder concerns, and develop partnerships. Many successful collaborations have grown out of relationships that began with the Yolo Bypass Working Group.

The Yolo Bypass Working Group has contributed to a series a land management plans, technical studies, and policy discussions. Please refer to the letter to Joe Grindstaff dated July 1, 2010 in the attached binder (Document 1). Also refer to the two documents following the letter: *Timeline of Yolo Bypass Documents* (Document 2) and the *History of Stakeholder Involvement in the Yolo Bypass* (Document 3). The Delta Plan, and its Bypass provisions, should embody the principles of adaptive management reflected in the ongoing discussions of stakeholders such as the Yolo Bypass Working Group.

The Yolo Bypass is a central part of the discussion regarding how to address the decline of native fish populations. There has been a 10-year focus on a proposal to modify the Fremont Weir to improve habitat for these fish, primarily salmon, in the Bypass. Most recently, proponents of the Bay Delta Conservation Plan (BDCP) have spent millions of dollars pursuing a conceptual proposal that would permanently lower the Fremont Weir, to increase the frequency and duration of spring flooding. Some studies have purported to show that shallow flooding of the Bypass may provide habitat for young salmon as they move downstream from their natal creeks. However, such prolonged flooding would have potentially devastating effects on flood-protection, agriculture, habitat and recreational values currently supported by existing plans. These impacts have not been studied.

The BDCP is a recent plan for the Yolo Bypass that does not build or draw upon the many existing plans that maintain the agriculture and seasonal wetlands that support the flood protection function and values. Before the Delta Plan proposes changes to land management in the Yolo Bypass such as the BDCP, there should be a

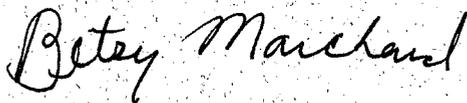
comprehensive look at the entire Bypass. Any changes to Bypass land uses should respect and embody the ecosystem approach, the current diversity of uses and the collaborative community-based efforts that shape and support them.

The Yolo Bypass does have a role to play in the improvement of native fish habitat. However, the modification of the Fremont Weir is a concept for which the downstream impacts to agriculture and managed wetlands that maintain the primary flood protection role have not been analyzed. The local stakeholders who understand the importance of the diverse land uses in Bypass have not been heard; this is a significant defect in the BDCP process. It is time to address the impacts to the Yolo Bypass that have been overlooked for years during discussions involving selective subsets of stakeholders. The benefits of current uses must be considered fully in any plan that proposes changes to the operation of the Bypass. Please refer to the attached binder beginning with the document: *BDCP Habitat Conservation Measure (FLOO1.1) Modification of Fremont Weir and Spring Inundation of the Yolo Bypass* (Document 4). The Yolo Basin Foundation has provided related comments to the BDCP Steering Committee, Delta Stewardship Council, Delta Vision and the CALFED Ecosystem Restoration Program for over 10 years.

The Yolo Basin Foundation is committed to finding solutions to Delta issues involving the Yolo Bypass. To that end we have been working with a group of Yolo Bypass stakeholders to develop the "Westside Option" as a potential alternative to the modification of the Fremont Weir. Please refer to the conceptual document in the attached binder describing this proposal: *Preliminary Description of a Westside Yolo Bypass Management Option for Rearing Juvenile Salmon* (Document 8). We are working with Yolo County and other stakeholders to develop a scope of work to begin investigating this alternative.

The Yolo Basin Foundation Board of Directors encourages the Delta Plan participants to use the many resources developed through the collaborative efforts of the Yolo Bypass Working Group. We are available to assist with stakeholder outreach as the Plan develops. It is essential that the far-reaching Delta Plan begin with the local community and build upon the many unique partnerships that are working in the Yolo Bypass.

Sincerely,



Betsy Marchand
Board Chair



Robin Kulakow
Executive Director

**LIST OF DOCUMENTS FOR YOLO BASIN FOUNDATION SCOPING COMMENTS
JANUARY 26, 2011**

1. Letter to Joe Grindstaff from Yolo Basin Foundation; July 1, 2010
2. Timeline of Yolo Bypass Documents
3. History of Stakeholder Involvement in Yolo Bypass 1989 - 2008
4. BDCP Habitat Conservation Measure: Modification of Fremont Weir and Spring Inundation of the Yolo Bypass, April 2009
5. Yolo Basin Foundation Proposal to Create a Yolo Bypass Conservation Measure for the Bay Delta Conservation Plan, April 2009
6. Yolo Basin Foundation Op – Ed Regarding the Bay Delta conservation Plan; Davis Enterprise, April 26, 2009
7. Letter to Delta Stewardship Council from Yolo Basin Foundation, August 25, 2010
8. Preliminary Description of a Westside Yolo Bypass Management Option for Rearing Juvenile Salmon, August 2010
9. Letter to Karen Scarborough from Yolo Basin Foundation; March 18, 2009
10. Letter to Mike Chrisman from Water Resources Association of Yolo County; March 2, 2009
11. Letter from Mike Chrisman to William Marble, Chair, Water Resources Association of Yolo County, April 20, 2009
12. Letter to Joe Grindstaff from Yolo Basin Foundation, October 17, 2008
13. Workshop Comments of Yolo Basin Foundation on the Delta Vision Strategic Plan of the Delta Vision Blue Ribbon Task force, December 5, 2008
14. Letter to Mike Chrisman from Lower Yolo Bypass Planning Forum, December 15, 2008
15. Letter to Jay Ziegler from Yolo Basin Foundation, July 8, 2008
16. Letter to Phil Isenberg from Yolo Basin Foundation, June 26, 2008
17. Comments for the Delta Vision Task Force from Jack De Wit, De Wit Family Farms, June 2008
18. Letter to Ryan Broddrick & Lester Snow from Yolo Basin Foundation, January 27, 2006
19. Letter to Val Dolcini (Yolo Basin Foundation) from Lester Snow, August 7, 2006
20. Yolo Bypass Interagency Working Group, Yolo Bypass Conceptual Aquatic Restoration Opportunities: Keeping Yolo Bypass Users Whole While Improving Aquatic Conditions, September 28, 2006
21. Yolo Flyway Newsletters, Fall 2011; Summer 2009; Fall 2009; Fall 2008, Fall 2005