



County of Yolo

BOARD OF SUPERVISORS

625 Court Street, Room 204
Woodland, California 95695-1268
(530) 666-8195 FAX (530) 666-8193
www.yolocounty.org

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March 10, 2009

Secretary Mike Chrisman
Undersecretary Karen Scarborough
California Natural Resources Agency
Bay Delta Conservation Plan Steering Committee Members
1416 9th St, Suite 1311
Sacramento, CA 95814

Secretary Chrisman, Undersecretary Scarborough, and Committee Members:

The Yolo County Board of Supervisors would like to convey requests for action to the Bay Delta Conservation Plan Steering Committee. We've been given to understand that the recent presentations to the Board of Supervisors of some Delta counties did not convey information from the counties back to the Steering Committee. Thus we are trying to be certain that our concerns and request for response are communicated.

Enclosed is a set of the most recent policy documents adopted by the Yolo County Board of Supervisors on January 27, 2009. In the staff report itself are guidelines for Delta management decisions stating general principles and results desired from Delta-related decisions. The "Delta-Related Desired Outcomes List" shows a prioritized list of desired outcomes of Delta management decisions. The "Parameters for Delta related habitat projects" encompasses ground level, project related requirements that should be of especial interest to BDCP, since these are threshold conditions that should be designed into projects from the beginning. We recognize that some of the items in these documents aren't related to BDCP activities, but many are and we ask that you review them carefully.

Yolo County is in the cross hairs of BDCP's current conservation strategies. The January 12, 2009 draft of the BDCP contains a core element that proposes to modify the Fremont Weir and inundate the Yolo Bypass more frequently and for longer periods later in the agricultural season. Implementation of those proposals may cause, among other effects, the loss of over 60,000 acres of productive agriculture and jeopardize the 16,000-acre Yolo Bypass Wildlife Area. We feel this deserves direct, written assurance from the BDCP Steering Committee that the full impact of such massive change will be completely addressed. The completed Bay Delta Conservation Plan must incorporate the following, related to BDCP activities in Yolo County:

- Preserve tax, assessment and other revenue sources and mitigate the costs of increased public services;
- Mitigate economic impacts of projects and management changes;
- Maintain a viable agricultural economy;
- Protect the Yolo County Natural Heritage Program; and
- Protect the Vic Fazio Yolo Bypass Wildlife Area and agriculture in the Bypass.

Please pay particular attention to the "Parameters" document, as noted above. We consider these items fundamental requirements for projects and proposals affecting Yolo County.

The BDCP process is rapidly moving forward, therefore we ask that you provide for us in a timely fashion substantive, responsive proposals for inclusion into the Plan. We hope these comments are sufficiently specific, and appreciate your consideration. Please contact me at 916.375.6440 or Julia McIver at 530.681.7372 if you have any questions.

Cordially,

A handwritten signature in black ink, appearing to read "Mike McGowan", with a long horizontal flourish extending to the right.

Mike McGowan, Chair
Yolo County Board of Supervisors

Encl.
Delta Guiding Principles, adopted January 27, 2009

cc: Senator Lois Wolk
Assemblymember Mariko Yamada
Yolo Natural Heritage Program Joint Powers Authority Board of Directors
Solano, Contra Costa, Sacramento, San Joaquin Boards of Supervisors



County of Yolo

PARKS AND RESOURCES DEPARTMENT

Warren Westrup
DIRECTOR

120 West Main Street, Suite C
Woodland, CA 95695
(530) 406-4880 FAX (530) 668-1801
www.yolocounty.org

TO: SUPERVISOR MIKE MCGOWAN, Chair,
and Members of the Board of Supervisors

FROM: WARREN WESTRUP, Director
Julia McIver, Water and Conservation Programs Manager
Parks and Resources Department

DATE: January 27, 2009

SUBJECT: Revise guiding principles for Yolo County's involvement in future planning and implementation for the Delta and receive presentation on the Bay Delta Conservation Plan (no general fund impact).

RECOMMENDED ACTION

- A. Adopt revised guiding principles and desired outcomes for involvement in the Delta to reflect current conditions.
- B. Receive presentation on the Bay Delta Conservation Plan from state Resources Agency staff.

STRATEGIC PLAN GOAL(S)

- Financially sustainable county government – the principles and desired outcomes seek to protect the County's revenue sources
- Preservation of agriculture and open spaces with planned development – the principles and desired outcomes seek to keep Delta agriculture viable and protect habitat
- Partnering for a successful Yolo County – the principles and desired outcomes seek to establish a basis for working with public agencies, nonprofits, and others on Delta issues
- A safe and healthy community – the principles and desired outcomes seek to protect public health and safety in areas such as vector control and emergency services

FISCAL IMPACT

The general fund pays for staffing to participate in water and Delta issues. This action will itself have no general fund impact, but could result in fiscal benefits to the County.

REASONS FOR RECOMMENDED ACTION

Because events relative to the Delta are constantly evolving, it is recommended that the guiding principles and list of desired outcomes be updated to reflect recent milestones and changes in Delta-related processes.

The Bay Delta Conservation Plan (BDCP) has released draft conservation strategies that could have substantial impacts on County resources.

BACKGROUND

The Board adopted guidance in December of 2007; this guidance was revised in April of 2008, and a list of desired outcomes was incorporated into the guidance in August of 2008. Substantial Delta milestones have been reached since then, including the completion of the Delta Vision process, the release of the "biological opinion" for smelt for operation of the State and Central Valley Water Projects, and release of draft conservation strategies for the Bay Delta Conservation Plan.

Because all of these processes contain much that affects Yolo County directly, staff recommends that the Board update the guiding principles and update and prioritize the list of desired outcomes for involvement in the Delta. This will enable others to more easily comprehend the significance of proposals for change related to the Delta relative to Yolo County interests.

Nothing in the "desired outcomes" list originally adopted by the Board in August of 2008 has been removed or added, though edited for brevity and to reflect current conditions, as shown in Attachment A. The list has been arranged in order of priority, with fiscal considerations first, a top tier of priority actions, and a second tier of outcomes that, while significant, may not warrant the same level of County investment in achieving them.

The revised guiding principles for involvement in the state's planning processes for management and governance of the Delta have been slightly revised to respond to current conditions; the only addition is the last bullet, which reflects the two additional Delta guidance items the Board adopted in 2008 so that all of the County's Delta-related guidance is in one document. :

- Yolo County should be directly represented in the process of developing management and governance recommendations for the Delta. Priorities are:
 - preserving County prerogatives related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection;
 - developing a Delta Conservancy with a clearly defined and limited mission and a governing body committed to that mission, institutionally separate from regulatory functions, capable of addressing multiple goals for Delta management, that incorporates a non-state entity to handle land management, and has reliable and adequate funding sources in perpetuity; and
 - developing legislation, participating in planning processes, and implementing changes in Delta management;
- The economic effects on Yolo County of changes to management and governance of the Delta should be recognized, analyzed and compensated for;

- Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County;
- Area of origin and existing water rights relative to Yolo County must be protected;
- The value of the Yolo Bypass for flood management and existing habitat must not be compromised;
- Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVRWQCB) in developing the Delta mercury TMDL;
- Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat;
- Communities in the Delta should be accorded special recognition and their economic vitality advanced;
- Any changes to the boundaries of the Delta must be supported by clearly evidenced public benefit; and
- The Yolo County Natural Heritage Program must be recognized and activities in the Delta must support and be integrated with it.
- The "Parameters for Delta-related habitat projects" and "Delta-related desired outcomes" lists are incorporated into this guidance.

OTHER AGENCY INVOLVEMENT

Staff continues to work with the other Delta Counties to develop areas of common interest, with a variety of public agencies, and with County departments and the CAO's office on Delta issues.

ATTACHMENTS

A. Revised and prioritized list of Delta-related desired outcomes

B. List of Parameters for Delta-related habitat projects (adopted by the Board on January 12, 2009 and attached for reference).

YOLO COUNTY DELTA RELATED DESIRED OUTCOMES LIST

Fiscal

1. Provide permanent funding independent of the state budget to pay in-lieu property taxes and fees on land used for habitat restoration or water conveyance, including existing state in-lieu debt for the Yolo Wildlife Area.
2. Fully mitigate costs of increased public services (such as law enforcement, fire, rescue, roads) lost business revenues and income, and socio-economic impacts of changes in governance, habitat conversions and alternative conveyance facilities..

Tier One

1. Provide new municipal water for the City of Davis, City of Woodland, and UC Davis, including expediting permits and providing habitat mitigation necessary for implementation.
2. Protect economically viable agriculture in Yolo County.
 - a. Develop appropriate agricultural industrial uses and infrastructure within the Clarksburg Agricultural District, and assist the Clarksburg region to provide agricultural tourism-related activities and "Delta gateway" facilities.
 - b. Provide farmers with safe harbor agreements, fish screens, and buffers related to habitat areas or conveyance facilities.
3. Ensure that habitat restoration is consistent and integrated with and the Yolo County Natural Heritage Program, and as part of that integration:
 - a. Expedite permitting and provide habitat mitigation for any County or Reclamation District improvements within the Clarksburg region and Yolo Bypass, including but not limited to the construction and maintenance of roads, bridges, levees, and irrigation facilities.
 - b. The Bay Delta Conservation Plan (BDCP) must provide permitting and regulatory assurances for actions that the County, the Cities of West Sacramento, Winters, Woodland and Davis, special districts, other public agencies, and local nonprofits in the County undertake that have the potential to result in the regulatory take of any of the BDCP target species.
4. Provide a solution to flood issues on Cache Creek and flood protection for our small communities.
5. Protect area of origin water rights and water quality in the Delta and ensure water supplies for Yolo agriculture.
6. The Delta Conservancy must have substantial local representation on its governing body, a dedicated funding source, and the capacity to assist local government in addressing changes in the Delta, including but not limited to economic development, recreation, tourism, conservation of agriculture and open space.

Tier Two

- Remediate mercury in the Cache Creek watershed at its sources:
 - Design and develop habitat restoration projects so as not to increase existing levels of mercury bio-methylation within the Yolo Bypass and Delta; and
 - Remediate mercury accumulation within the Cache Creek Settling Basin.
- Improve flood protection along the Sacramento River and for the Yolo Bypass.
- Protect riparian water rights downstream of any conveyance intake.
- Implement high priority projects in Yolo County's Integrated Regional Water Management Plan.
- Replace and expand any displaced farm labor camps.
- Protect infrastructure:
 - Protect the existing and future operations of the Port of Sacramento as an industrial and transport hub for the region, including its levees;
 - Expedite permitting and reserve land for spoils necessary to deepen the ship channel 35 feet so that it can accommodate larger freighters;
 - Protect the continued operation of State Route 84 as a major truck route for the transportation of agricultural products out of the Clarksburg region;
 - Ensure that the future expansion of Interstate 80 across the Yolo Bypass and improvements to the Union Pacific Railroad are not precluded or impaired; and
 - Ensure that any changes to the operation of the Sacramento Weir do not adversely affect Old River Road (County Road 22).
- Ensure that changes to the operation of the Fremont Weir, Yolo Bypass toe drain, or other proposals do not adversely affect planned development of the future Elkhorn Specific Plan.
- Fund construction and operation of the Pacific Flyway Center next to the Yolo Bypass.
- Establish Yolo County gateways to the Delta region for ecotourism and recreation focusing on legacy communities including Clarksburg.
- Include legacy communities in the Secondary Zone of the Delta.
- Obtain funding for conservation easements in Yolo County.

Parameters for Delta-related habitat projects

- Willing sellers only
- Payment in-lieu of property tax for lands changing from private to public ownership¹
- Payment for lost business opportunity and income, including socio- economic issues
- Project impacts originating in Yolo county must be discharged in Yolo county
- Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements
- Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands
- Continued payment of special district assessment(s) and fees
- Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads)
- No adverse changes to flood protection for surrounding areas
- Full ESA and CESA protection for neighboring lands/landowners
- Full ESA and CESA protection for affected water diversions
- Consistency with the Yolo Natural Heritage Program
- Protection of existing high value habitat, such as in the Yolo Wildlife Area
- Mitigation for loss of terrestrial habitat for special status species and other wildlife
- Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands
- Control program for vectors, invasive species and agricultural pests
- No out of county water transfers from converted lands
- No increase in mercury release or transport
- Mitigation for increased organic carbon at North Bay Aqueduct
- Maximize public recreational opportunities associated with habitat projects
- If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel
- Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta
- Opportunity for the County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects

¹ For all items in this list that require funding, such funding must be guaranteed to Yolo County in perpetuity and allocated outside the state's budget process.