



February 14, 2018

Mr. Ben Nelson  
Bureau of Reclamation  
801 I Street, Suite 140, Sacramento, CA 95814

Ms. Karen Enstrom  
California Department of Water Resources  
3500 Industrial Blvd., West Sacramento, CA 95691

**RE: Response to the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project  
Draft EIS/EIR**

Dear Mr. Nelson and Ms. Enstrom:

Thank you for the opportunity to comment on the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project ("Yolo Bypass Salmonid Project") Draft Environmental Impact Statement/Environmental Impact Report ("EIS/EIR"). We recognize the tremendous effort of the California Department of Water Resources and the U.S. Bureau of Reclamation to develop the alternatives, model fisheries and hydraulic impacts, and produce the document and appendices. Our comments focus on the need to balance the long history of state, federal, and local partnerships in the Yolo Bypass to conserve habitat for terrestrial species with the interest in providing habitat for threatened and endangered fish species. Additional comments are also included in a table enclosed with this letter (Attachment 1).

The Yolo Basin Foundation asks the state and federal government to take no action that will undermine the decades of successful conservation work already providing benefits to countless species in the Yolo Bypass that enjoy the support of thousands of local citizens, as well as foundations, conservation organizations, and federal, state, and local agencies. The Yolo Basin Foundation believes we can help the state and federal government identify a sustainable and successful mix of project actions and mitigation measures that will provide both benefits to fish and continue the conservation work already underway for terrestrial species. We can only develop this solution if the Yolo Basin Foundation, farmers, wetlands managers, other stakeholders with a land management interest in the Yolo Bypass, the Yolo Habitat Conservancy, and Yolo County are an integral part of the process to develop a preferred alternative. Now that the EIS/EIR is publicly available and we have information about potential impacts, the Yolo Basin Foundation hopes to start an important conversation about project details.

Our comments focus on four areas:

- **Background on existing Yolo Bypass habitat conservation.** The Yolo Basin Foundation believes it is critical for representatives of the state and federal government responsible for the EIS/EIR to have a thorough understanding of conservation efforts successfully undertaken over decades in the Yolo Bypass. These efforts required tens of millions of dollars in state, federal, and local investments, as well as thousands of hours of volunteer and government agency staff time. In addition to the Yolo Bypass Wildlife Area; hereafter Wildlife Area (see Exhibit A), the Yolo Bypass currently contains approximately 14,000 acres of state and federal wetland conservation easements (see Exhibit B), including easements consistent with the Central Valley Joint Venture Implementation Plan (see Exhibit C). The Bypass also contains giant garter snake and Swainson’s hawk easements purchased by the Yolo Habitat Conservancy, the California Department of Water Resources, and the Wildlife Conservation Board.
- **Background on stakeholder outreach efforts.** The Yolo Basin Foundation is uniquely qualified to comment on this EIS/EIR and work with the state and federal government to craft solutions to issues identified in this letter because of our history of stakeholder outreach in the Yolo Bypass. The Yolo Basin Foundation coordinates with stakeholders through the Yolo Bypass Working Group (see Exhibit L) and has long led efforts to provide input into the development of the Yolo Bypass Salmonid Project. This participation resulted in partnerships with Yolo County, farmers, wetlands managers, and the University of California, Davis to fill information gaps and propose new approaches for achieving the necessary balance between existing and new conservation goals.
- **Comments on the EIS/EIR analysis.** The analyses of the impacts to recreation, education, and environmental justice in the EIS/EIR are unclear, vague, and not properly supported. The analysis also does not include impact conclusions for biological impacts to wetlands, including impacts on migratory and resident birds. In addition, some of the impact determinations are not supported by substantial evidence. In this letter and Attachment 1, the Yolo Basin Foundation provides comments to help improve the clarity and accuracy of the document. The Yolo Basin Foundation looks forward to working with the California Department of Water Resources and the U.S. Bureau of Reclamation to improve the analysis and develop a preferred alternative.
- **Proposed Mitigation Measures.** The Yolo Basin Foundation recognizes there will be some impacts on wetlands and existing educational programs as a result of the Yolo Bypass Salmonid Project and further recognizes the need to provide habitat for threatened and endangered fish species in the Yolo Bypass. As a result of our long history of involvement in Yolo Bypass conservation efforts, our leadership in stakeholder coordination, and our dedicated participation in public forums related to development of the Yolo Bypass Salmonid Project alternatives (see Exhibit H), the Yolo Basin Foundation asks for a leadership role in helping the California Department of Water Resources and the U.S. Bureau of Reclamation develop a preferred alternative. This letter also outlines potential and specific opportunities to mitigate for impacts from the proposed project on terrestrial species habitat in the Wildlife Area.

## **BACKGROUND ON EXISTING YOLO BYPASS CONSERVATION**

Yolo Bypass is home to the Yolo Bypass Wildlife Area and is habitat for countless terrestrial species, including rare, threatened, and endangered terrestrial species prioritized for conservation by the Yolo Habitat Conservancy, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service through the Yolo Habitat Conservation Plan and Natural Community Conservation Plan. The Yolo Bypass is a key component of habitat restoration planned as part of prior largescale state conservation efforts (e.g. CALFED Ecosystem Restoration Program) and is a vital element of the Central Valley Habitat Joint Venture's habitat restoration goals associated with implementation of the North American Waterfowl Management Plan (see Exhibit D) and the United States' international commitment to the 1918 Migratory Bird Treaty Act (see Exhibit E).

The state and federal government has invested millions of dollars in grant funding to support the construction and management of wetlands in the Yolo Bypass (see Exhibit F). These funds are from the federal North American Wetlands Conservation Act (see Exhibit G), an act passed in part to support activities under the North American Waterfowl Management Plan and to create the infrastructure to manage wetland ecosystems in the Yolo Bypass; and, in the U.S. Fish and Wildlife (wetlands conservation easements on Swanston Ranch north of I-80 and south of the Wildlife Area) and the Natural Resources Conservation Services' wetland conservation easements (Exhibit G). This funding supported the conservation of wetlands and associated upland habitats for waterfowl and other migratory birds in North America. The agencies must recognize these easements require landowners to manage for wetlands habitat in perpetuity.

The 16,800-acre Wildlife Area is a critical part of the history of partnerships to create terrestrial species habitat in the Yolo Bypass. Local citizens and elected officials started plans to develop the Wildlife Area in the 1980s, eventually succeeding in securing a \$4.75 million Wildlife Conservation Board grant to purchase the initial 3,700 acres. Interior Secretary Bruce Babbitt spoke at the groundbreaking ceremony of the new wetlands project in 1995 and President Bill Clinton dedicated the Wildlife Area in 1997. In 2001, the Nature Conservancy helped facilitate another \$16 million grant to add 12,000 acres to the Wildlife Area. The state then secured an additional \$8 million in federal NAWCA funds to implement restoration projects on these new acres.

In addition to providing a significant link in the chain of wetlands that comprise the Pacific Flyway for migrating birds, the Wildlife Area is home to pockets of riparian forests, uplands, vernal pools, and wildlife-friendly agriculture (Exhibit F). Agricultural and grazing lease revenue provides \$600,000 annually in funding for Wildlife Area management and public access, as well as implementation of a successful adaptive management program. The Yolo Basin Foundation complements the Wildlife Area's amenities by offering its signature "Discover the Flyway" education program to over 70,000 K-12 school children since 1997. As a result of decades of demonstrated success, the Wildlife Area is considered a national model of sustainability, illustrating that flood protection, agriculture, wildlife habitat and public use can cooperatively exist in close proximity to a large metropolitan area.

## **BACKGROUND ON STAKEHOLDER OUTREACH EFFORTS**

Yolo Basin Foundation looks forward to building on our long history of coordinating with local stakeholders to work with the state and federal government to provide input into development of the Yolo Bypass Salmonid Project preferred alternative. Throughout the history of proposals to modify the Fremont Weir to increase the frequency and duration of flooding for fish habitat, the Yolo Basin Foundation has consistently provided comments, participated in public forums, identified opportunities for analytical improvements based on on-the-ground information, and worked to find positive solutions. The Yolo Basin Foundation has also maintained strong relationships with the farmers, ranchers, and wetlands managers who intimately know the Yolo Bypass, as well as local government staff, elected officials, state and local Farm Bureau representatives, and other stakeholders in Yolo County and Solano County.

The Yolo Basin Foundation's participation in stakeholder forums related to the proposed Fremont Weir modification, originally proposed by the CALFED Bay-Delta Authority, dates back to the first meeting of the Yolo Bypass Working Group in 1999 (Exhibit L). The Yolo Basin Foundation and other stakeholders involved with the development of the Wildlife Area realized the proposal to modify the Fremont Weir would have an adverse impact on the goals described in the Wildlife Area Land Management Plan (hereafter LMP), a long-term management plan developed in coordination with local stakeholders<sup>1</sup>. As a result of stakeholder advocacy, the California Department of Fish and Wildlife committed to work with CALFED to minimize the impacts on the Wildlife Area of the proposed project:

“This LMP represents the commitment of DFG to manage the resources of the Yolo Bypass Wildlife Area...[it] proposes practical, science-based management and conservation of the natural resources, consistent with the necessary flood water conveyance purpose of the Bypass, including provisions for compatible agriculture and public recreation use. It is based on an ecosystem approach to habitat management consistent with the principles of the Ecosystem Restoration Program (ERP) included in the CALFED Bay-Delta Program (CALFED) as implemented by the California Bay-Delta Authority (CBDA) and DFG.” (2008, p 1-6)

Since the inaugural meeting in 1999, the Working Group raised concerns about impacts to managed wetlands and agriculture at many of the next 46 meetings (Exhibit L). The Yolo Basin has also commented numerous times on this and similar projects since 2008 (Exhibit H).

After the CALFED Bay-Delta Authority proposal stalled, the California Department of Water Resources included the project in the proposed Bay-Delta Conservation Plan in the mid-2000s as Conservation Measure 2. The Yolo Basin Foundation participated for over four years in meetings of the Yolo Bypass Fisheries Enhancement Planning Team to further discuss the proposal. Early on in these discussions, it became clear the California Department of Water Resources did not have the data necessary to complete an analysis for development of project alternatives. As a

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<sup>1</sup> 2008. Yolo Bypass Wildlife Area Land Management Plan. California Department of Fish and Game & Yolo Basin Foundation.

result of these discussions, the Yolo Basin Foundation proactively developed a partnership with Yolo County to help fill many identified information gaps, such as working with University of California, Davis economists to adopt the existing Bypass Production Model to analyze the agricultural impacts of project alternatives<sup>2</sup> and a review by Ducks Unlimited of potential impacts on waterfowl foraging habitat and hunting opportunities<sup>3</sup>.

After the state and federal government transitioned the Bay-Delta Conservation Plan into California Water Fix and California EcoRestore, the Yolo Bypass Fisheries Enhancement Planning Team ceased to meet and was replaced by a series of stakeholder meetings associated with implementation of the Yolo Bypass Salmonid Project. These meetings included the U.S. Bureau of Reclamation's Value Planning Exercise, the locally-led Post Value Planning Team, the Locally Preferred Alternative stakeholder group, and the Yolo Bypass Biological Opinion Working Group. Also, during this time, the Yolo Basin Foundation worked with Yolo County to develop the Yolo Bypass Drainage and Water Infrastructure Improvement Study<sup>4</sup>, which identified 12 priority projects to improve drainage and water infrastructure to benefit agricultural production and wetlands management in the Bypass. More information is available in Exhibit I regarding the timing and extent of Yolo Basin Foundation involvement in different iterations of this Yolo Bypass Salmonid Project.

### **EIS/EIR ANALYSIS QUESTIONS AND COMMENTS**

The Yolo Basin Foundation highlights the most significant comments on the EIS/EIR in this letter but has also compiled a detailed document with specific comments on the EIS/EIR and references to additional exhibits in Attachment 1. The Yolo Basin Foundation believes the analysis of impacts to managed wetlands, recreation, education, and environmental justice is inadequate and incomplete. In addition, the EIS/EIR lacks impact conclusions related to the impacts on migratory and resident birds (including food supply and nesting habitat), education, wildlife viewing, hunting, increased operations and maintenance activities due to additional flooding, and increased sedimentation. In addition, the impact conclusions are not supported by substantial evidence. We look forward to helping the state and federal government improve the analysis.

The Yolo Basin Foundation agrees with the following findings in the EIS/EIR:

- Impact HAZ-8: Risk of exposure to mosquito-borne viruses could increase as a result of inundation period expansion in the Yolo Bypass for fish passage and rearing
- Impact EJ-4: Project actions would reduce educational opportunities offered in the Yolo Bypass Wildlife Area for low-income students
- Impacts associated with methylmercury in the Yolo Bypass are expected to be a cumulatively significant impact, and the increased inundation from the Project would be cumulatively considerable

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<sup>2</sup> Howitt, R. et al. 2013. Agricultural and Economic Impacts of Yolo Bypass Fish Habitat Proposals. Yolo County.

<sup>3</sup> Petrik, K. et al. 2012. Waterfowl Impacts of the Proposed Conservation Measure 2 for the Yolo Bypass: An Effects Analysis Tool. Bay Delta Conservation Plan – Yolo Bypass Fisheries Enhancement Planning Team.

<sup>4</sup> Bowles, C. et al. 2014. Yolo Bypass Drainage and Water Infrastructure Improvement Study. Yolo County.

The Yolo Basin Foundation also urges the California Department of Water Resources and the Bureau of Reclamation to further analyze the Sutter Bypass as a location for floodplain habitat. The California Department of Water Resources and the Bureau of Reclamation rejected this alternative in 2014 in part because the Reasonable and Prudent Alternative in the Biological Opinion required the development of Yolo Bypass fish passage improvements, regardless of the location of floodplain habitat<sup>5</sup>. The agencies at the time proposed to combine Yolo Bypass fish passage and floodplain habitat improvements into a single project. A couple of years later, the Bureau of Reclamation and the Department of Water Resources decided to separate these two projects. Now that they are separate, the agencies should again evaluate the Sutter Bypass as an appropriate location for floodplain habitat to benefit threatened and endangered fish species.

The Yolo Basin Foundation has identified a number of serious deficiencies in the analysis, described below.

### **General**

1. **Failure to analyze entire project.** The EIS/EIR fails to adequately analyze the impacts from operations of the proposed project downstream of Ag Crossing #1. There is a significant amount of analysis regarding construction impacts, but insufficient analysis of long-term project operational impacts associated with additional flooding. These impacts include the increase in operation and maintenance costs and related activities a result of additional flooding, increased sedimentation impacts to both farmers and wetlands managers, impacts to movement of wildlife, impacts to nesting and foraging bird habitat, impacts to wetlands management, and impact of revenue needed to sustain habitat management and other operations of the Wildlife Area from potential loss of lease revenue.

### **Chapter 9: Vegetation, Wetland, and Wildlife Resources**

1. **Impact TERR-5: Potential disturbance or mortality of nesting bird species and loss of suitable nesting and foraging habitat (p. 9-69).** The determination that the impact on nesting and foraging habitat from operations is less than significant is not supported by substantial evidence. The only language in the EIS/EIR is as follows:

“Under Alternative 1, the Lead Agencies do not expect operations to result in adverse effects on suitable nesting habitat for special-status bird species because operations would extend the duration of inundation only between November and March, which is outside of the nesting season. Operational effects on foraging habitat may vary by species based on the effects of inundation on their prey. The small expected change in average number of wet days under Alternative 1 may reduce foraging habitat for some species, particularly in the eastern part of the Yolo Bypass; however, the effects on foraging habitat are not expected to be substantial.”

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<sup>5</sup> Yates, G. et al. 2002. Habitat Improvement for Native Fish in the Yolo Bypass. CALFED Bay-Delta Program.

The Yolo Basin Foundation has repeatedly described the potential impacts to nesting and foraging habitat in the Wildlife Area from increased frequency and duration of flooding since 2008<sup>6</sup>, such as reduced food supply. The LMP, for example, acknowledges flooding constrains management of the Wildlife Area's biological resources:

“These constraints include: adverse effects of spring flooding on management and operations, wildlife nesting, and farming” (p. 5-6).

Nesting in the Yolo Bypass could start as early as February. In addition, inundation later than the date the California Department of Fish and Wildlife would normally drain the wetlands increases production of invasive weeds and decreases production of favored waterfowl foods. There is no analysis referenced in the EIS/EIR to support the statements above. Additional analysis is required to evaluate the impacts on nesting and foraging habitat.

- 2. Impact TERR-9: Potential effects on USACE, RWQCB, and CDFW jurisdictional wetlands, waters, and riparian areas (p. 9-76).** The EIS/EIR analyzes construction impacts on wetland and riparian areas, but fails to analyze the impact of operations. The EIS/EIR states only:

“Under Alternative 1, operations would not result in adverse effects on areas subject to USACE and CDFW jurisdiction as no fill materials would be placed in waters during operations.” (p. 9-81)

The EIS/EIR fails to analyze the impact of additional flooding from the proposed project on USACE, RWQCB, and CDFW jurisdictional wetlands.

## **Chapter 13: Recreation**

- 1. Calculation of 2% reduction in days available for educational programs and activities is not properly supported.** The analysis states the project will result in a 2% reduction in educational days and therefore there will not be an elimination or substantial reduction in the educational uses of the Wildlife Area (e.g. Table 13-4, Page 13-27). This analysis is not properly supported. There is no reference to an appendix showing the source of the calculations. According to email communication with agency staff, the Wildlife Area closure was estimated based on the number of additional days the water level at Lisbon Weir is higher than 12 feet, which is an indicator of when the Wildlife Area typically has to close due to flooding. However, the Yolo Basin Foundation believes the Wildlife Area may have to close when the water level at Lisbon Weir is as low as eight feet. Through email communication, agency staff also provided a table not included in the EIS/EIR that shows the number of additional closure days resulting from the TUFLOW model for each of the 16 years modeled, based on 12 feet water elevation at the Lisbon Weir. The TUFLOW output ranged from 0-21 days of additional closure as a

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<sup>6</sup> 2008. Yolo Bypass Wildlife Area Land Management Plan. California Department of Fish and Game & Yolo Basin Foundation.

result of the project, with an average of 5.3 days. The Yolo Basin Foundation requests the following improvements to this analysis:

- ***Include the table showing the number of estimated closure days in the EIS/EIR.*** This information is helpful to the reader to understand the basis for the calculation.
- ***Provide a range of potential closure dates based on a sensitivity analysis of TUFLOW model outputs.*** The TUFLOW model is based on a number of assumptions that Yolo County documented in their review of the model<sup>7</sup>, therefore the analysis should provide a range of estimated closure days for each year, not a point estimate for each year. The final estimate should provide a range of closure days, as well as the average number of closure days.
- ***Account for drainage time.*** The analysis does not take into account that the Wildlife Area will stay closed until the water has drained from the Wildlife Area. The addition of drainage time will increase the number of days the Wildlife Area is closed as a result of the project and should be included in the analysis of impacts.
- ***Account for time to dry.*** Once enough of the area has drained for roads to be accessible, the roads still need to dry out. The Yolo Basin Foundation believes that it takes at least a week to dry under the best of circumstances, such as warm weather and no rain. Next, CDFW personnel must perform required maintenance before public access is allowed. The time needed depends on the severity of the damage, usually related to the length of time flooded and the velocity of the flood water. If there is less than two weeks between spill events, then the area does not open at all until this whole process starts over.

The Yolo Basin Foundation believes the addition of these factors to the analysis will double, if not triple, the number of estimated education days lost as a result of the project.

2. **Estimate of 4.1% reduction in hunting days is not properly supported.** Similar to the estimate of lost education days, the estimate of lost hunting days is not properly supported. The analysis should include a table showing the lost days by year, sensitivity analysis, and include the additional days the Wildlife Area will remain closed to drain and dry out.
3. **Impact conclusions for education, wildlife viewing, and hunting days are lacking.** The EIS/EIR should contain impact conclusions for the loss of education, wildlife viewing, and hunting days in the Wildlife Area, along with appropriate mitigation measures.
4. **Failure to analyze increase in operation and maintenance costs.** The project alternatives will all result in a significant increase in operations and maintenance activities on the Wildlife

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<sup>7</sup> Fleenor, W. 2015. Review of the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Hydrodynamic Modeling Draft Report. Center for Watershed Sciences, University of California, Davis.



Area. The increase in frequency and duration of flooding will result in more staffing and equipment expense to remove flood deposited debris and repair damage to roads, supply and drainage ditches, signs, fences, and gates. An increase in flood frequency and duration will also mean additional expense to mow and disk invasive plants, including emergent vegetation to meet requirements of the Memorandum of Understanding between the California Department of Fish and Wildlife, the California Department of Water Resources, and the Central Valley Flood Protection Board (see Exhibit J).

5. **Failure to analyze impacts on wildlife viewing.** Although the Wildlife Area is open and used all year round, November to February is the peak wildlife viewing season. Additional closures as a result of the project will impact wildlife viewing, which should be analyzed in this EIS/EIR.
6. **Comparison of new shallow floodplain habitat to existing wetlands habitat is not supported by substantial evidence.** The EIS/EIR analysis assumption that the large areas of temporary shallow water created when the Yolo Bypass drains after a flood event is the equivalent of existing managed floodplain habitat for waterfowl is incorrect (Impact TERR-9). While some birds may utilize the receding flood waters, the habitat created is not comparable to habitat values provided by managed wetlands in the Wildlife Area and on private lands. The seasonal wetlands in the Wildlife Area and on private wetlands (duck clubs) are intensively managed to provide food and cover for terrestrial species. The management regime for these wetlands is based on Best Management Practices developed over many years (see Exhibit K). Management activities include controlled fall flood up to maximize primary and secondary food production in time for the arrival of migratory birds traveling the Pacific Flyway. Drawdown in the spring is timed to maximize seed germination that will provide protein resources for migratory and residents birds. Early spring drawdown is important for controlling invasive species, such as cocklebur and sweet clover, that have no food value. Early spring drawdown is also important in preventing growth of emergent vegetation including tules and cattails that can impede the flow of floodwaters (Exhibit J). The timing of flood up and drawdown is also important in preventing mosquito larvae production.
7. **Inaccurate assertion of benefits from food production (p. 8-112, p. 9-3).** The EIS/EIR states the proposed alternatives all increase floodplain food production to benefit juvenile salmonids, and that this food could also be exported to the Delta. This conclusion is questionable. The predicted floodplain inundation would occur in December at the earliest under all proposed alternatives. By December 1, the majority of the floodplain is already inundated in the form of tens of thousands of acres of flooded rice fields and managed wetlands. (Managed wetlands are flooded up as early as September 1). As a result of this targeted Wildlife Area management, wetland food production is well underway at least one month before additional flooding would occur due to the six proposed alternatives. The Bureau of Reclamation and the Department of Water Resources should remove or caveat this conclusion of benefits in their analysis.

## **Chapter 22: Environmental Justice**

- 1. Analysis of reduction in educational opportunities for low-income students in the Yolo Bypass Wildlife Area is vague and general.** The analysis uses the percent of Title 1 schools in the Davis Joint Unified School District and the Sacramento City Unified School District as a proxy for percent of low-income students who attend Wildlife Area field trips. The Yolo Basin Foundation can provide more accurate data (see Exhibit N). For the 2016-17 school year, for example, there were 181 Discover the Flyway field trips. Approximately 3,656 students and over 200 adults attended the field trips. This equals nearly 4,000 participants in Discover the Flyway field trips in 2016-17. On average, approximately 44% of the Discover the Flyway participants are low-income students from Title 1 schools, approximately 1,600 students in 2016-17. The Yolo Basin Foundation appreciates the conclusion that “disproportionately high or adverse effects to the educational opportunities offered in the YBWA on low-income students could occur due to increases in inundation in the YBWA” and offers potential mitigation measures in the next section.

### **PROPOSED MITIGATION MEASURES**

Improving rearing habitat for juvenile salmonids and passage for adult winter, spring and fall run Chinook salmon, steelhead and green sturgeon is an urgent need. The Yolo Basin Foundation has long recognized this need, as demonstrated by Foundation staff participation in discussions regarding increased juvenile floodplain habitat in the Yolo Bypass since the 1990s and staff participation in development of the Putah Creek Accord. All six project alternatives define the end date of project operations as either March 7<sup>th</sup> or March 15<sup>th</sup> as a result of robust stakeholder discussions and stakeholder sponsored studies. This illustrates the importance of stakeholder input and the potential for developing alternatives with local support.

Yolo Basin Foundation believes there is a sustainable and successful mix of project actions and mitigation measures that will provide both benefits to fish and continue the conservation work already underway for terrestrial species in the Wildlife Area. To begin the discussion, we recommend the mitigation measures briefly described in the following section to mitigate for the impacts on operations and maintenance in the Wildlife Area, education, and recreation, including wildlife viewing and hunting. Many of the proposed actions are described in the Yolo Bypass Wildlife Area LMP (see Exhibit M) Chapter 5, Section 5.2.4 beginning on Page 5-32.

The analysis fails to include feasible mitigation measures for the following identified impacts:

- **Impact TERR-5: Potential disturbance or mortality of nesting bird species and loss of suitable nesting and foraging habitat**
- **Impact TERR-9: Potential effects on USACE, RWQCB, and CDFW jurisdictional wetlands, waters, and riparian areas**
- **Impact EJ-4: Project actions could reduce educational opportunities offered in the YBWA on low-income students**
- **Reduction in education days (Yolo Basin Foundation requests an impact conclusion)**
- **Reduction in hunting days (Yolo Basin Foundation requests an impact conclusion)**

- **Reduction in wildlife viewing days (Yolo Basin Foundation requests an impact conclusion)**
- **Impacts associated with methylmercury in the Yolo Bypass are expected to be a cumulatively significant impact, and the increased inundation from the Project would be cumulatively considerable**

The Yolo Basin Foundation suggests the following mitigation measures to include for the impacts listed above. In addition, the Yolo Basin Foundation supports the efforts of Yolo County to ensure farming will continue in the Yolo Bypass, including economic mitigation for loss of yield from late flooding and other impacts. Wildlife friendly agriculture is a critical element of the habitat provided in the Yolo Bypass Wildlife Area.

1. **Develop additional wetlands to offset those that will be inundated more often due to proposed project.** The Yolo Basin Foundation can work with the California Department of Fish and Wildlife to identify potential projects, such as wetland habitat restoration outside the Bypass in partnership with DWR, CDFW, City of Davis, Yolo Habitat Conservancy, Yolo Land Trust, and others. This mitigation measure will help address impacts identified in Impact TERR-5 and TERR-9 because it will provide additional wetlands and more nesting and foraging habitat, as well as Impact EJ-4 because it will provide areas to visit with low-income children outside of the Yolo Bypass.
2. **Increase in maintenance and operations funding to CDFW for the Yolo Bypass Wildlife Area.** Due to the increase in frequency and duration of flooding, the following will occur in the Wildlife Area: increased sediment deposition, road damage, loss of road gravel, flood debris removal, replacement/repair of signs, invasive weed removal, increase in mosquito control costs, and damage to gates and fences. Project proponents should provide CDFW with additional staffing, funding, and equipment for operations and maintenance. This mitigation measure will help address the impacts in TERR-9.
3. **Maintain and improve public use.** Improve the current wildlife viewing loop, including development of interpretive and directional signage and facilities, viewing blinds, board walks, and platforms (Refer to Yolo Bypass Wildlife Area LMP Page 5-32). This mitigation measure will address the loss of education and wildlife viewing days.
4. **Develop new public access for wildlife viewing.** The Yolo Basin Foundation can work with project proponents to identify new public access opportunities for wildlife viewing, such as: 1) access to Tule Ranch with westside public access south of Putah Creek; 2) a new public viewing loop using Tule Ranch wetlands (refer to Exhibit M: Yolo Bypass Wildlife Area LMP Page 5-35); improve trail designations and maintenance (Exhibit M: Yolo Bypass Wildlife Area LMP Page 5-36); and 3) improve physical separation of wildlife viewing and hunting by creating new, westside hunter check station on Tule Ranch. This mitigation measure will address the loss of wildlife viewing days.

5. **Improve current hunting program.** Project proponents could improve the current hunting program by: 1) providing westside access for hunting on higher areas that may not flood as frequently due to Fremont Weir modification for more frequent and longer duration of flooding; 2) moving hunter access to the Tule Ranch by creating new, westside hunter check station on Tule Ranch (refer to Yolo Bypass Wildlife Area LMP Page 5-35); and 3) provide additional hunting area outside the Yolo Bypass. This mitigation measure will help address the loss of hunting days.
6. **Implement remaining recommendations in the Yolo Bypass Drainage and Water Infrastructure Improvement study.** These projects include the Parker United water supply project, water supply for wetlands south of the umbrella barn, and improvements to the South Davis Drain. In addition to reducing the time the Wildlife Area stays closed because of improved drainage times, some of these projects will also increase wetlands acreage. This mitigation measure addresses the impacts of a reduction in education days, wildlife viewing days, and hunting days, as well as Impact EJ-4.
7. **Develop an Adaptive Management Plan for the proposed project.** The Adaptive Management Plan should include wetlands and public use elements in the Wildlife Area, not just operation of gates and canals associated with the Fremont Weir modification.
8. **Implement and fund methylmercury Best Management Practices.** Project proponents should develop a cost share agreement with CDFW and private landowners on implementation of Methylmercury BMPs to meet Bay-Delta Methylmercury TMDL future requirements. This is proposed as a mitigation measure for cumulatively significant impacts associated with methylmercury.

Thank you for the opportunity to comment. The Yolo Basin Foundation looks forward to working with you to identify a preferred alternative and identify opportunities to improve wildlife habitat, educational and recreational opportunities in the Yolo Bypass Wildlife Area.

Sincerely,



Pete Bontadelli  
Chair, Yolo Basin Foundation Board of Directors

cc: Congressman John Garamendi, U.S. Representative  
Senator Bill Dodd, California State Senate  
Assemblymember Cecilia Aguiar Curry, California State Assembly  
Kris Tjernell, Special Assistant for Water Policy, California Natural Resources Agency  
Yolo County Board of Supervisors  
Yolo Basin Foundation Board of Directors