

## MEMORANDUM

**To:** Yolo Basin Foundation Board of Directors

**From:** Chelsea Martinez, Executive Director, Yolo Basin Foundation  
Robin Kulakow, Policy Adviser, Yolo Basin Foundation  
Jim Provenza, Yolo County Supervisor  
Phil Pogledich, Yolo County Counsel  
Petrea Marchand, President, Consero Solutions

**Re:** Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project: Yolo Basin Foundation Priorities

**Date:** September 30, 2020

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This memo summarizes the Yolo Basin Foundation's ("Foundation") decade of collaboration with Yolo County to minimize the impacts on the Yolo Bypass Wildlife Area ("Wildlife Area") of the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project ("Salmonid Project"). Proposed by the California Department of Water Resources ("DWR") and the U.S. Bureau of Reclamation ("Bureau"), the Salmonid Project will increase floodplain habitat for juvenile salmon and reduce fish passage barriers for adult salmon migrating upstream in the Yolo Bypass. Since 2009, the Foundation has worked with the Delta Subcommittee of the Yolo County Board of Supervisors, currently composed of Supervisor Provenza and Supervisor Sandy, to secure changes to the Salmonid Project to minimize impacts and obtain funding to address unavoidable impacts.

The Salmonid Project proposes to construct an operable gate in the Fremont Weir by 2022 that will allow up to 6,000 cubic feet per second of water into the Yolo Bypass to create 17,000-20,000 acres of floodplain habitat during winter and early spring months. Two graphics included in Salmonid Project environmental review documents provide a general illustration of peak floodplain inundation are provided as Attachments A and B. This memo provides: 1) the reason for Yolo Basin Foundation involvement; 2) an overview of the Foundation's proposed mitigation measures; and 3) a summary of major milestones in collaborative advocacy efforts involving the Foundation and Yolo County.

### Reason for Yolo Basin Foundation Involvement

As stated in the Foundation's February 14, 2018 letter to DWR and the Bureau commenting on the Salmonid Project environmental review documents, the Foundation's concern with the Salmonid Project stems from the potentially significant impact of the project on decades of Yolo Bypass conservation work, including managed wetlands and wildlife-friendly agriculture in the Yolo Bypass Wildlife Area. This conservation work represents tens of millions of dollars in investments and provides benefits to countless species that enjoy the support of thousands of local citizens, as well as foundations, conservation organizations, and federal, state, and local agencies. These conservation successes include the Yolo Bypass Wildlife Area, the Central Valley Habitat Joint Venture, and the Yolo Habitat Conservation Plan/Natural Community Conservation Plan. Specific examples of this conservation work include:

- **Large scale national and international terrestrial species conservation efforts that includes the Yolo Bypass.** The Yolo Bypass is a key component of habitat restoration planned under the CALFED Ecosystem Restoration Program, the Central Valley Habitat Joint Venture's habitat restoration goals associated with implementation of the North American Waterfowl Management Plan, and the United States' international commitment to the 1918 Migratory Bird Treaty Act.
- **Wetlands constructed with state and federal funding.** The state and federal government have invested millions of dollars to support the construction and management of wetlands in the Yolo Bypass, including U.S. Fish and Wildlife Service funding for wetlands conservation easements on Swanston Ranch north of I-80 and south of the Wildlife Area along with Natural Resources Conservation Service wetland conservation easements throughout the Yolo Bypass. These easements require landowners to manage for wetlands habitat in perpetuity consistent with the federal North American Wetlands Conservation Act.
- **The 16,800-acre Yolo Bypass Wildlife Area.** 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. Local citizens and elected officials secured a \$4.75 million Wildlife Conservation Board grant in the 1980s to purchase the initial 3,700 acres. Interior Secretary Bruce Babbitt spoke at the groundbreaking ceremony 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. The state then secured an additional \$8 million in federal funds to implement restoration projects on these new acres. Of the Wildlife Area's \$1.6 million annual budget, \$600,000/year is derived

from agricultural and grazing lease revenue, \$600,000 is from a federal excise tax on ammunition and guns, and the remainder is from various state funding sources. The Wildlife Area therefore represents a significant one-time and ongoing investment by the state and federal government in terrestrial species conservation.

### **Overview of Proposed Mitigation Measures**

Based on information provided by the Bureau, the Salmonid Project is currently 35% designed and all permit applications have been submitted to state and federal agencies, with an anticipated construction date of 2022. The Foundation expressed a willingness in the 2018 EIS/EIR comment letter to help in identifying a sustainable mix of project actions to provide both benefits to fish and terrestrial species, and also identified the following mitigation measures necessary to minimize impacts on the Wildlife Area and surrounding lands:

1. Develop additional wetlands to offset those that will be inundated more often due to proposed project.
2. Increase in maintenance and operations funding to California Department of Fish and Wildlife ("CDFW") for the Wildlife Area.
3. Maintain and improve public use.
4. Develop new public access for wildlife viewing.
5. Improve current hunting program.
6. Implement remaining recommendations in the 2014 Yolo Bypass Drainage and Water Infrastructure Improvement Study ("2014 Study").
7. Develop an Adaptive Management Plan for the proposed project.
8. Implement and fund methylmercury Best Management Practices.

Of these requests, the Foundation has seen the most progress in implementing the 2014 Study recommendations, as described further in the section on milestones. In addition to the \$4 million secured for Wildlife Area drainage improvements under construction in summer 2020 (described below as the "YBWA Drainage Project"), the Salmonid Project's Record of Decision (adopted by the Bureau in connection with project environmental review) includes a proposed expenditure of \$2 million to reduce flooding issues at the entrance of the Wildlife Area. Yolo County also is working to secure an additional \$2.5 million from the state for completion of the second phase of the summer 2020 YBWA Drainage Project. CDFW also is currently negotiating with the project proponents regarding potential impacts to the operation of the Wildlife Area. DWR and the Bureau did not commit to mitigation measures beyond assistance in drainage and infrastructure

projects identified in the 2014 Study and providing up to \$2 million in federal funding for improvements to Wildlife Area access at the main entrance.

### **Yolo Basin Foundation Milestones**

The Foundation has worked with Yolo County and other partners for over a decade to both minimize the impacts of the Salmonid Project on existing conservation areas for terrestrial species and secure funding for drainage and water infrastructure improvements to help sustain wetlands and wildlife-friendly agriculture in the Wildlife Area. This includes organizing and attending hundreds of meetings, giving field trips to project proponents, partnering on academic studies of the potential impacts of the project, writing comment letters, and requesting funding for projects to help minimize impacts. The Foundation and Yolo County successfully advocated for a change from May 31<sup>st</sup> to March 15<sup>th</sup> as the end date for inundation from the Salmonid Project to protect agriculture operations. Yolo County and the Foundation assisted Ducks Unlimited in obtaining millions of dollars for drainage improvement projects. Key milestones include:

**January 1998 - June 2017:** The Foundation organized 52 meetings of the Yolo Bypass Working Group. Most agendas included agency updates to stakeholders on various proposals that became the Salmonid Project. Yolo County was an active participant in many of these meetings.

**July 2012:** Ducks Unlimited, working with Yolo County and the Foundation as partners, released an analysis of the potential impacts on waterfowl of Conservation Measure 2 of the Bay Delta Conservation Plan, entitled "Waterfowl Impacts of Proposed Conservation Measure 2 for the Yolo Bypass."

**April 2013:** Yolo County, in partnership with the Foundation, released a final study of agricultural impacts of the Salmonid Project, entitled "Agricultural and Economic Impacts of Yolo Bypass Fish Habitat Proposals."

**April 2014:** Yolo County worked with the Foundation and other partners to release the "Yolo Bypass Drainage and Water Infrastructure Improvement Study," which describes 12 infrastructure projects to improve drainage or water supply as recommended by wetlands managers, farmers, and landowners in the Yolo Bypass.

**January 2015:** Metropolitan Water District of Southern California approved \$130,000 to pay for design/engineering to fund drainage and water infrastructure improvements in the Wildlife Area, called the Yolo Bypass Wildlife Area Habitat Restoration and

Drainage Improvement Project (“YBWA Drainage Project”), now under construction.

**October 2015:** Ducks Unlimited, with Foundation and Yolo County support, submitted a successful planning grant proposal to the California Department of Fish and Wildlife for CEQA and permitting of the YBWA Drainage Project.

**November 2015:** Ducks Unlimited, with Foundation and Yolo County support, submitted a \$2 million implementation grant proposal to Delta Conservancy for three of the five components of the YBWA Drainage Project.

**June 2016:** Delta Conservancy awarded implementation grant for \$2 million towards implementation of project components 1, 3, & 5 of the YBWA Drainage Project.

**February 2018:** The Foundation and Yolo County submitted comments on the Draft EIS/EIR, an environmental review document released by DWR and the Bureau on the Salmonid Project, advocating for changes to minimize impacts. As a result of the Yolo County’s previous studies demonstrating impacts on the Wildlife Area from inundation, including impacts to agriculture after March 1<sup>st</sup>, the Draft EIS/EIR did not propose any alternative with flooding past March 15<sup>th</sup>. The draft documents did recognize the environmental justice impacts of the project on the Discover the Flyway program for schools.

**April 2018:** The Foundation accepted a key role in stakeholder outreach for updates to the 2014 Study, expected to be completed in December 2020.

**April 2020:** The Foundation worked with Yolo County and other partners to secure an additional \$1.4 million for components 1, 3, and 5 of the YBWA Drainage Project from the Wildlife Conservation Board, bringing the total raised to \$4 million.

**June 2020:** Construction started on YBWA Drainage Project; construction of three of the five components scheduled for completion in October 2020.

### **Next Steps**

The successful collaboration between Yolo County and the Foundation will be key to maintaining the successful mix of flood protection, agriculture and wetlands that exists in the Yolo Bypass today. Yolo County and the Foundation will continue to work on the following:

- Identifying and applying for funding to construct project components 2 and 4 of

YBWA Drainage Project, scheduled for construction in summer 2021 if funding is secured.

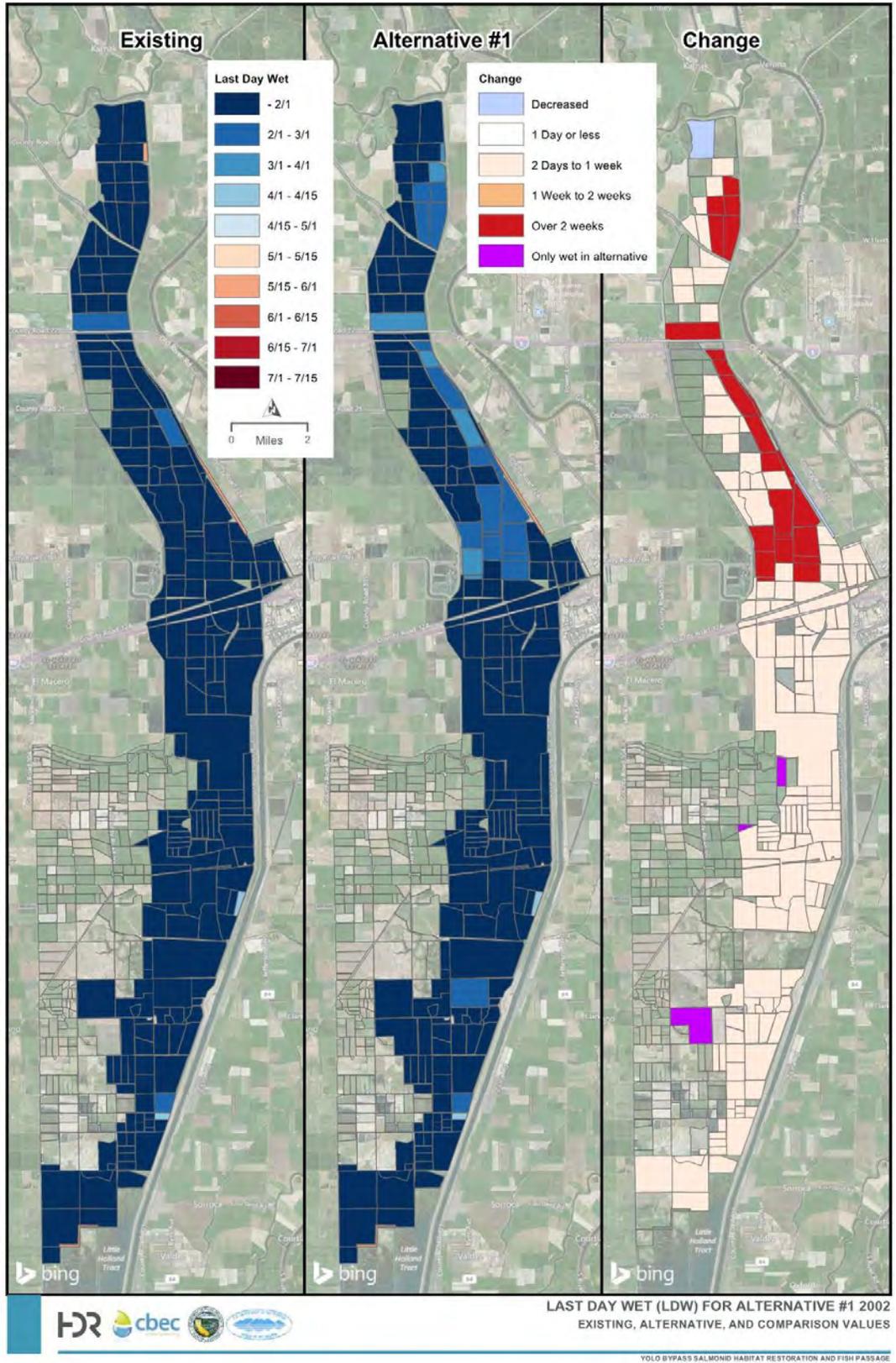
- Work with the County to track the Bureau commitment to fund improvements to the Wildlife Area entrance.
- Coordinate with Yolo County to monitor the implementation and future impacts of the Salmonid Project on the Wildlife Area.
- Research funding for studies and projects identified in the updated 2014 Study.

#### Attachments

Attachment A: 2018 Salmonid Project EIS/EIR inundation timing

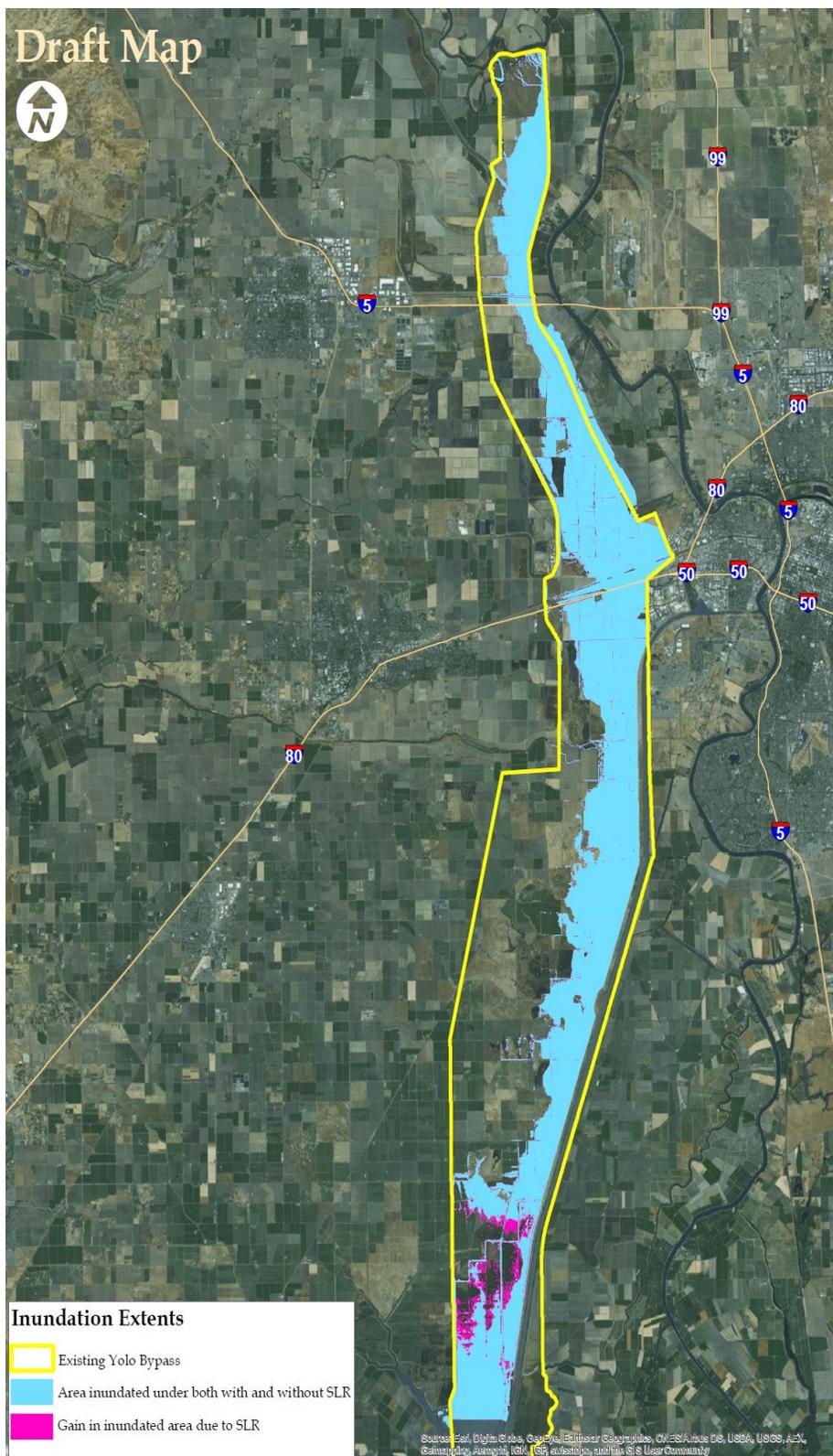
Attachment B: 2018 Salmonid Project EIS/EIR inundation map

11 Land Use and Agricultural Resources



**Figure 11-7. Greatest Change in Last Day Wet of all Years Modeled for Fields in the Yolo Bypass under Alternative 1 Compared to Existing Conditions (2002)**

4 Hydrology, Hydraulics, and Flood Control



**Figure 4-14. Inundation Increase for Lower Elkhorn Basin Levee Setback (LEBLS) Cumulative Impacts at 6,000 cfs with Sea Level Rise versus Inundation with LEBLS Cumulative Impacts at 6,000 cfs without Sea Level Rise**