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December 10, 2021

Greg Fabun, General Manager
West Sacramento Flood Control Agency
1110 West Capitol Avenue
West Sacramento, CA 95691
gregf@cityofwestsacramento.org

Subject: Yolo Bypass East Levee Reach Project, Initial Study/Mitigated Negative Declaration, SCH No. 2021110114, Yolo County

Dear Mr. Fabun:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the West Sacramento Flood Control Agency (WSFCA) for the Yolo Bypass East Levee Reach Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's Lake and Streambed Alteration (LSA) Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take of species of plants or animals listed or a candidate under CESA, either during construction or over the life of the Project. Under CESA, take is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA-listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

PROJECT DESCRIPTION SUMMARY

Proponent: WSFCA

Objective: The objective of the Project is to make structural modifications to the levee, to address levee seepage, levee stability, erosion, and overtopping concerns on segments AA and AD of the Yolo Bypass East Levee (YBEL). The modifications will occur on approximately 3,300 linear feet of the YBEL, including 2,475 linear feet along the AA segment and 825 linear feet along the AD segment. The total project impact area will be approximately 15 acres. Following installation of a cutoff wall, the levee will be reconstructed with a 20-foot-wide crown and a 3:1 horizontal to vertical slope on the waterside and a 2:1 horizontal to vertical slope on the landside.

Segment AA improvements include installation of a stability berm adjacent to the existing levee, replenishment of existing waterside revetment extending north from the Navigation Levee to the Interstate 80 Causeway, reconstruction of the existing maintenance road adjacent to the levee, and installation of piping in the drainage ditch. Segment AD improvements include landside embankment grading and extending a

subgrade levee drainage system. The extension consists of approximately 825 feet of 30-inch diameter perforated pipe to alleviate ongoing seepage. A new pump station will be constructed as part of the levee drainage system, with capacity to discharge seepage away from the levee prism into the Yolo Bypass.

Approximately 2.5 acres of temporary impacts to wetlands and 2 acres of riparian habitat are anticipated. No trees will be removed.

Location: See Attachment 1 at the end of this document. The Project site is located within the City of West Sacramento, Yolo County. The nearest cross streets are Interstate 80 and Enterprise Drive. The project encompasses 15 acres adjacent to the Yolo Bypass, the Sacramento River, and the Sacramento Deep Water Ship Channel. GPS coordinates are approximately 38°33'24"N latitude and -121°34'56" W longitude.

Timeframe: The Project is scheduled to be constructed in summer 2022 and is anticipated to be completed in five (5) months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist WSFCA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT 1: Fully Protected Species

Issue: Numerous State fully protected species are likely to be present in or near the Project site, including the potential for California black rail (*Laterallus jamaicensis coturniculus*) and white-tailed kite (*Elanus leucurus*). CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take, as defined by Fish and Game Code § 86 is to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Take of any fully protected species is prohibited. CDFW cannot authorize incidental take of fully protected species unless the take is for necessary scientific research including efforts for species recovery. Without appropriate avoidance and minimization measures, Project activities conducted within occupied territories have the potential to significantly impact these species. Potentially significant impacts include, but are not limited to inadvertent entrapment, reduced reproductive success, reduced health and vigor, nest abandonment, loss of nest trees, and/or loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality.

Recommendation 1:

Fully Protected Species Surveys

To avoid impacts to fully protected species, CDFW recommends that a qualified biologist conduct species-specific surveys (using standard protocol or methodology, if available https://wildlife.ca.gov/Conservation/Survey-Protocols) of the Project site before Project implementation. If Project activities will take place when fully protected species are active or are breeding, CDFW recommends that additional pre-activity surveys for active nests or individuals be conducted by a qualified biologist no more than five (5) days prior to the start or restart of Project construction and should continue during Project construction.

Recommendation 2:

Fully Protected Species Avoidance

In the event a fully protected species is found within or adjacent to the Project site, CDFW recommends that a qualified biologist develops an appropriate no-disturbance buffer to be implemented. The qualified biologist should also be on-site during all Project activities to ensure that the fully protect species are not being disturbed by Project activities.

COMMENT 2: California Black Rail

Issue: California black rail, a state fully protected species, has the potential to occur within the Project area. California black rail could be impacted by project activities. Complete avoidance measures should be incorporated into the Project to ensure full take avoidance of the species.

California black rail populations have been documented as declining in California in recent decades primarily as a result of habitat loss and degradation, (Evens et al. 1991, Conway and Sulzman 2007). Black rail populations and their required habitat features are vulnerable to both human-caused and natural stressors.

Excavation, grading, compacting, and filling aquatic habitat could cause direct habitat loss (Bauer et al. 2015). Construction near a wetland or water feature supporting this species would impact the quality of their habitat if dust, debris, petroleum, or other contaminants are discharged from the construction site into their habitat.

Vegetation clearing may impact rails where they require a dense cover of upland vegetation for protection from predators (Eddleman et al. 1994, Evens and Thorne 2015).

Recommendation: To avoid impacts to California black rail, CDFW recommends that activities within or adjacent to wetlands or rail habitat, be avoided during rail breeding season, February 1 – August 31 for California black rail.

CDFW also recommends the in-water work period for the Delta is August 1 – November 30; however, with the presence of California black rails, the in-water work period should be reduced to September 1 – November 30 to avoid impacts.

If Project activities within 700 feet of habitat will be conducted during the nesting season, then multiple pre-construction call back surveys should be required prior to initiation of Project activities. A minimum of 4 surveys should be conducted between January and April, a minimum of 2-3 weeks apart. The listening stations should be established at 150-meter intervals along road, trails, and levees that will be affected by Project implementation.

If California black rail are detected through surveys, then Project activities should not occur within 700 feet of an identified calling center. If a major channel or slough separates the Project site from an identified California black rail calling center, Project activities may continue if a 700-foot or greater distance from the calling center is maintained. If bird activity is surveyed or discovered within the buffer limits immediate consultation with CDFW should be required. If rails are observed within the Project area at any time work should be stopped immediately by a qualified biologist and the rail species allowed to leave the area on its own. If the rail species does not leave the area, then no work should commence until CDFW has made a determination on how to proceed with work activities.

Daily monitoring surveys of Project sites should occur until the Project is complete. If an injured or dead rail is discovered at the Project sites, it should be reported to CDFW immediately for consultation and all Project activities cease.

COMMENT 3: Western Burrowing Owl (*Athene cunicularia*)

Issue: The IS/MND acknowledges burrowing owls could be present on-site or in the surrounding area, and construction activities could cause loss of habitat or abandonment of active nests. The IS/MND identifies that burrowing owl, a California Species of Special Concern, has previously been documented on-site, and that suitable habitat exists on-site. The IS/MND notes that surveys will be completed in conformance with CDFW's 2012 guidelines; however, not all aspects of the guidelines are included in the mitigation measures for this species. The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, or injury or mortality of adults. Burrowing owls are a California Species of Special Concern due to population decline and breeding range retraction. Based on the above, the Project may potentially significantly impact burrowing owls.

Recommendation: Burrowing owl surveys should be conducted by a qualified CDFW-approved biologist. Since potential burrowing owl nesting habitat is present, CDFW recommends that surveys be conducted following the methodology described in *Appendix D: Breeding and Non-breeding Season Surveys* of the *CDFW Staff Report on Burrowing Owl Mitigation* (Staff Report), which is available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843. Mitigation Measure BIO-2d in the IS/MND proposes to conduct pre-construction surveys for burrowing owls 30 days prior to the start of work activities. In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project Area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

In accordance with CDFW's 2012 Staff Report, owls may be disturbed up to 1,640 feet (500 meters) from a project. Therefore, the buffer area surveyed should be increased commensurate with the type of disturbance anticipated as outlined in the CDFW 2012 Staff Report and include burrow surrogates such as culverts, piles of concrete or rubble, and other non-natural features. The CEQA document for the Project should also include measures to avoid or minimize loss of burrowing owl foraging habitat, and mitigation for loss of habitat that cannot be fully avoided.

Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" as a "take" avoidance, minimization, or mitigation method, and considers exclusion as a significant impact. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival or reproduction; therefore, eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or "take" which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid "take." Any passive relocation plan for non-nesting owls will be subject to CDFW review. If passive relocation is used, habitat compensation should be required, with the acreage amount identified in the eviction plan. This needs to be identified as a mitigation measure in the IS/MND.

If the Project would impact an unoccupied active burrowing owl burrow or burrow surrogate (i.e., a burrow used in the past three years for nesting or a burrow where a non-nesting owl would be evicted as described above), the following habitat preservation should be implemented prior to Project construction:

Impacts to each nesting site should be mitigated by permanent preservation of two occupied nesting sites with appropriate foraging habitat through a conservation easement and provision of an endowment for long-term management. Impacts to burrowing owl roosting, overwintering, and foraging habitat should be mitigated by permanent preservation of off-site habitat occupied by burrowing owl at a 2:1 mitigation to impact ratio, through a conservation easement and provision of an endowment for long-term management. The CDFW 2012 Staff Report states, "current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal…". The Project may implement alternative methods for preserving habitat with written acceptance from CDFW. If finding suitable habitat to preserve as described above is infeasible, impacts to burrowing owl as described above will be fully avoided in order to avoid potentially significant impacts.

COMMENT 4: Swainson's Hawk (*Buteo swainsoni*)

Issue: The IS/MND says that an avoidance and minimization plan will be developed for approval by CDFW prior to construction. It goes on to say that, *if possible*, no work will occur within 600 feet of the nest while it is in active use. This vague language provides uncertainty that can result in no protections to the species.

Recommendation: Potential impacts of Project construction include loss of foraging habitat and disruption of breeding activities due to increased dust, noise, and human presence. CDFW recommends that the IS/MND include a measure to conduct pre-construction surveys for Swainson's hawk by a qualified raptor biologist with survey experience and conducted in a manner that maximizes the potential to observe the adult Swainson's hawks and the nest/chicks via visual and audible cues. Surveys should be conducted within all potential nest trees within a five-mile radius of the Project. Surveys should be repeated within the five-mile radius if a survey season ensues or elapses before the onset of Project related activities. If construction begins mid-survey season the year after the initial surveys, then the surveys should continue for that part of the season before construction. CDFW recommends using the Recommended Timing and Methodology Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Tech. Advis. Comm., 5/2000) available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline. CDFW also recommends referencing Staff report regarding mitigation for impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline.

The IS/MND should be revised to say that no work will occur within 0.5 mile of a Swainson's hawk nest in undisturbed habitat, and 0.25 mile in disturbed habitat, during the nesting period of March 15 to September 15, to avoid potential take of Swainson's

hawk and ensure impacts to Swainson's hawk are less-than-significant. If "take" of Swainson's hawk or any other species listed under CESA cannot be avoided during Project activities, please be advised that a CESA Permit must be obtained (pursuant to Fish and Game Code Section 2080 et seq.). Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process can be found on the CDFW website at https://wildlife.ca.gov/Conservation/CESA.

COMMENT 5: Nesting Birds

Issue: The IS/MND states that if active nests are found during the pre-construction survey, a 500-foot no-work buffer will be established around active raptor nests (excluding Swainson's hawk) and a 100-foot no-work buffer will be established around migratory bird nests, if feasible. This vague language provides uncertainty that can result in no protections for the species. Depending on the species, nest stage, and site conditions, these distances may not be sufficient to prevent disturbance-related nest failure and subsequent take. The Project proponent is responsible for ensuring that the Project does not result in violation of the Migratory Bird Treaty Act (MBTA) or relevant Fish and Game Codes (Sections 3503, 3503.5, and 3513). Buffers should be determined based upon factors such as topography, line of sight, activities being conducted, and species.

Recommendation 1: If work will occur during nesting bird season (January 15 through September 15), no more than five (5) days prior to work commencing, including staging, clearing and grubbing, a qualified biologist should survey a sufficient area around the Project site to identify any nests that are present and determine their status and an appropriate buffer. Once construction work begins, the survey effort should continue to identify any nest starts established after the work commences. 'Sufficient' in this context means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors, lighting, and movement of workers or equipment. Identified active nests should be surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline of the adults and any nestlings. Once work commences, all active nests should continue to be monitored by the qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. If signs of disturbance and behavioral changes are observed, the biologist should reassess the appropriate buffer to prevent disturbance-related nest failure and subsequent take.

Recommendation 2: A qualified biologist, experienced in raptor behavior, should be assigned to monitor the behavior of any raptors nesting within disturbance distance of Project activities. Even within species, disturbance distances can vary according to time of year or geographical location. The qualified biologist should have authority to order the cessation of all Project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Project activities within line of sight of the nest should not resume until the qualified biologist has consulted with CDFW and both the qualified biologist and CDFW confirm that the bird's behavior has normalized, or the young have left the nest.

COMMENT 6: Giant Garter Snake (*Thamnophis gigas*)

BIO-2b describes avoidance and minimization measures to prevent impacts or take of giant garter snake. CDFW recommends that the Project adhere to the protocols and guidelines for avoidance and minimization found at https://wildlife.ca.gov/Conservation/Survey-Protocols#377281283-reptiles for the giant garter snake, and recommends the following additional protective measures :

Giant garter snake exclusion fencing: At least 15 days prior to the initiation of Project activities, an exclusion fencing system shall be installed. In addition, the following criteria for the exclusion fencing system shall be met:

- The exclusion fencing shall consist of material appropriate for exclusion of special-status species that have the potential to occur on-site (excluding avian species).
- The exclusion fencing shall either measure at least 36 inches tall above the soil surface or be of an appropriate height for exclusion of special-status species that have the potential to occur on-site.
- The bottom of the exclusion fencing shall not allow wildlife to pass through gaps or holes.
- The exclusion fencing shall be taut between the supporting stakes and shall have the supporting stakes oriented on the inside edge of the Project site.
- The exclusion fencing shall feature one-way escape doors or an appropriate design for preventing special-status species and other wildlife from being

trapped within the Project site or getting around the exclusion fencing and into the construction area.

- Fencing system entry/exit points for vehicular and pedestrian traffic shall be constructed so wildlife cannot access the Project site during non-work hours.

Small Mammal Burrows: A Qualified Biologist shall identify and flag all potential small mammal burrows within 200 feet of giant garter snake habitat within the Project site. When burrows cannot be avoided, they shall be hand excavated or scoped with a camera under the supervision of the Qualified Biologist prior to Project activities to ensure no giant garter snakes are utilizing the burrow(s). Following excavation, the Qualified Biologist shall block holes or burrows that appear to extend under exclusion fencing to minimize giant garter snake movement into the Project site.

Giant Garter Snake Exclusion Fencing Maintenance and Monitoring: The Qualified Biologist shall inspect the exclusion fencing before the start of each work day, and during and after rain events. The fencing shall be inspected and maintained daily, and any damage to the barrier shall be repaired immediately to ensure that it is functional and without defect. The fencing material shall remain buried. Vegetation within one meter on the side of the fence away from the Project site shall be maintained at a maximum height of four inches, with the intention that vegetation shall not allow for giant garter snake to traverse.

Giant Garter Snake Observations: If a snake species of any kind is observed within the Project site, then all Project activities shall halt, and work shall not continue until the snake species is identified by a qualified biologist. If giant garter snake is discovered at any time within the Project site and staging areas, then all Project activities shall halt until CDFW has been notified and the Project proponent can demonstrate compliance with CESA to CDFW's satisfaction. CDFW reserves the right to provide additional giant garter snake protection measures in the event of a giant garter snake detection. If take of giant garter snake is expected as result of Project activities, then an ITP is recommended.

COMMENT 7: Impacts to Fish Species

Issue: Special-status fish species are likely to be present within the tidally influenced habitat within and adjacent to the Project area, including:

- Central California Coast steelhead (*Oncorhynchus mykiss*); FT
- Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*); FT, ST
- Sacramento River winter-run Chinook salmon (*O. tshawytscha*); FE, SE

- Green Sturgeon (*Acipenser medirostris*); FT, SSC
- Longfin smelt (*Spirinchus thaleichthys*); ST

FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = California Species of Special Concern

Project activities could result in take or disturbance of special-status species without avoidance and minimization measures.

Recommendation: CDFW recommends an in-water work window confining construction within the bed, bank, channel and associated riparian areas from August 1 to November 30.

COMMENT 8: Special-Status Plants

Issue: The IS/MND says that direct impacts to the YBEL Toe Drain Canal and surrounding riparian corridor will be avoided, so no impacts to special-status plants are anticipated. It is unclear if the Project site consists of areas other than the YBEL toe drain canal. If the Project site encompasses areas outside of the YBEL toe drain canal that cannot be avoided, the proposed Project may significantly impact multiple special-status plants due to disturbance or destruction of individuals and habitat.

Recommendation: CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities," which can be found online at https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

CDFW recommends impacts to special-status plants be avoided. If Project impacts to special-status plants cannot be completely avoided, consultation with CDFW is warranted and the Project should provide compensatory mitigation such as off-site habitat preservation or another method. If a state-listed or state Rare[2] plant is identified during botanical surveys and take cannot be avoided, acquisition of take authorization through an ITP issued by CDFW pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq is necessary to comply with Fish and Game Code, CESA and the Native Plant Protection Act.

[2] In this context, "Rare" means listed under the California Native Plant Protection Act.

COMMENT 9: Recommended Mitigation Proposal

Issue: The IS/MND does not propose or identify mitigation in the event that the Project has unforeseen impacts to special-status species. The Project has the potential to impact special-status species that utilize the Project area through direct take due to Project construction.

Recommendation: CDFW recommends the IS/MND be revised to identify compensatory mitigation for impacts to Swainson's hawk, giant garter snake, and burrowing owl habitat. Compensatory mitigation should be in the form of permanently conserved lands at the following ratios: 3:1 ratio (conserved land to impacted habitat) for permanent impacts and 1:1 for temporary impacts (i.e., impact to baseline recovery in under one year). The mitigation proposal should explain that conservation lands should be placed under a conservation easement with CDFW listed as a third-party beneficiary and an endowment should be funded for managing the lands for the benefit of the conserved species in perpetuity. Additionally, a long-term management plan should be prepared and implemented by a land manager. The Grantee of the conservation easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

If mitigation bank credits are proposed, CDFW recommends that the mitigation bank is identified in advance of Project implementation. The mitigation bank must be CDFW-approved and the Project must be within the service area of the bank. Further, the mitigation ratio(s) and ratio justification as proposed, and mitigation bank credits must be available at the time of Project implementation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist WSFCA in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Andrea Boertien, Environmental Scientist, at (707)317-0388 or Andrea.Boertien@wildlife.ca.gov; or Michelle Battaglia, Senior Environmental Scientist (Supervisory), at Michelle.Battaglia@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Stephanie Fong
CF047D7F8D234E1...
Stephanie Fong
Acting Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

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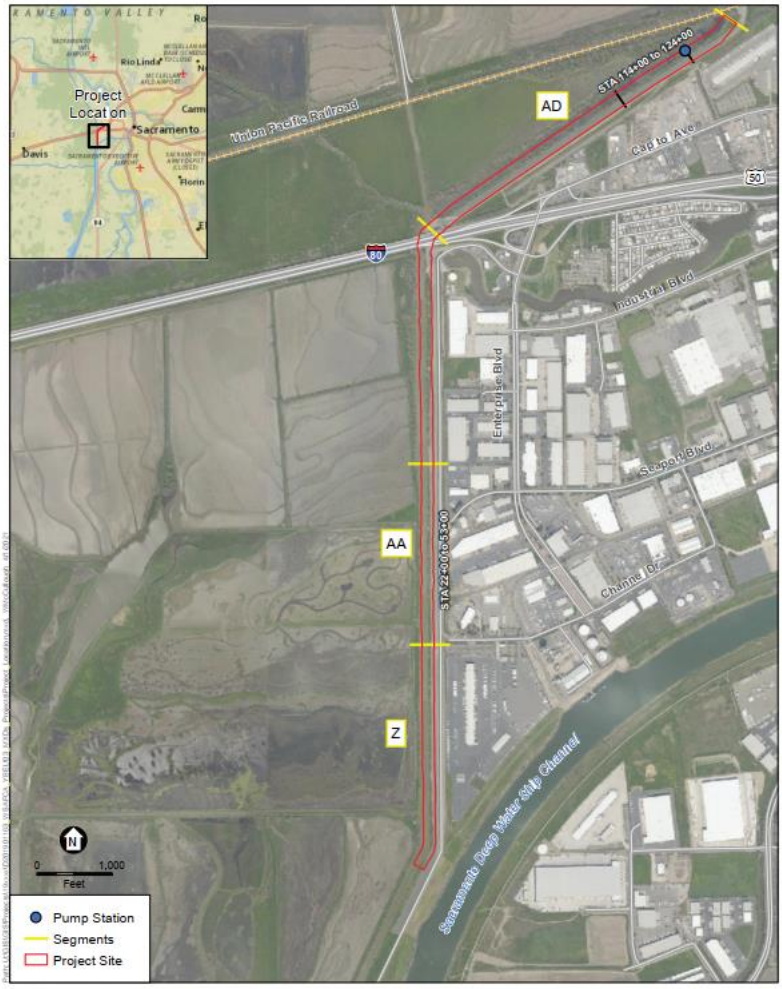
ATTACHMENTS

Attachment 1: Project Location



Yolo Bypass East Levee Environmental Assessment

Figure 1-3
Project Location

ESA