



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Water Branch
1010 Riverside Parkway
West Sacramento, CA 95605
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 14, 2022

Governor's Office of Planning & Research

Sep 19 2022

STATE CLEARINGHOUSE

Megan Giglini
Senior Environmental Scientist
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, California, 95821

**SUBJECT: YOLO BYPASS CACHE SLOUGH PARTNERSHIP MULTIBENEFIT
MASTER PLAN NOTICE OF PREPARATION OF PROGRAM ENVIRONMENTAL
IMPACT REPORT SCH# 2022080288**

Dear Ms. Giglini:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) from the Central Valley Flood Protection Board (CVFPB) for the Yolo Bypass Cache Slough Partnership Multibenefit Master Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

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.

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.

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PROJECT DESCRIPTION SUMMARY

Proponent: CVFPB

Objective: The objective of the Project is to support implementation of multiple related projects in the Yolo Bypass with the intended goal of increasing flood conveyance capacity, enhancing aquatic and terrestrial species habitats, and preserving agricultural land and economic values. Primary Project activities include completion of a “master plan” that will analyze a range of potential projects and address operations and maintenance needs of flood facilities throughout the Yolo Bypass.

Location: The Project is located in Yolo and Solano Counties, within the Yolo Bypass and Cache Slough. The nearest city is West Sacramento. Coordinates are 38°35'15"N 121°36'25.8"W.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist CVFPB in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Supplements to PEIR

CDFW anticipates that future supplemental CEQA documents will be needed, given that Project activities may change. Therefore it will be critical to ensure adequate disclosure and analysis of impacts on biological resources. To do this, CDFW recommends establishing a procedure in the PEIR to determine if individual Project activities are within the scope of the PEIR, or require an additional environmental document. CEQA Guidelines section 15168 states: “[w]here the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the PEIR.”

When preparing a checklist to document the evaluation of a site we suggest providing enough relevant information, and reasonable inferences from this information, to support each conclusion concerning biological resources. For any subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared, from which the supporting information would be derived. To help readers link site-specific evaluations with the PEIR, the checklist should cite the specific portions of the PEIR containing the analysis of significant effects and indicate whether it incorporates all applicable mitigation measures from the PEIR.

We encourage individual project proponents to consult with CDFW and other responsible and trustee agencies during their process to develop CEQA documents tiering from this PEIR (CEQA Guidelines, § 15063). We suggest noting the value of continued coordination in the PEIR.

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Public Lands

The Project area includes valuable riparian habitat corridors located within and near several CDFW wildlife management areas and other public lands, including the Fremont Weir Wildlife Area, Sacramento Bypass Wildlife Area, and Yolo Bypass Wildlife Area. CDFW recommends that the PEIR: ensure that the Project is consistent with applicable policies, procedures, and goals of the management plans within public-owned areas; analyze how the Project will maintain or enhance habitat values on non-public lands to ensure riparian corridor ecosystem function (including riparian forest restoration); and ensure that the Project conserves the heritage of outdoor recreation (including hunting) along the levee systems.

Updated Biological Conditions Assessments

CDFW recommends that the PEIR guide individual projects to take the following steps to support documentation of subsequent project activities: impact analyses, appropriate surveys completed by qualified biologists with sufficient local experience in assessing biological conditions, and provide adequate mapping and information regarding the survey efforts.

Project Level Analyses

The NOP states that PEIR will evaluate the potential significant environmental effects of the Project at a more general programmatic level of analysis and that further environmental analysis will happen in the future on a project-specific level. CDFW looks forward to reviewing the draft PEIR and recommends that the effects analysis be detailed enough to support more focused project-specific analyses. CDFW also recommends engaging all resource agencies early on in the development and evaluation of specific projects.

Non-Programmatic Projects

The NOP states the Project will describe a range of projects, including non-programmatic projects that will likely be implemented independently but could include coordination with the Yolo Bypass Cache Slough Partnership. CDFW recommends that the PEIR clearly describe the purpose and intent of all projects described in the Project, and which non-programmatic projects will not be counted towards ecosystem enhancement in the Project's accounting process.

Biological Resources (Aquatic and Terrestrial)

The NOP states that the Project could have short- and long-term effects on special-status aquatic and terrestrial species and their habitats from short-term construction and long-term operations and maintenance of the proposed program. CDFW recommends that the PEIR clearly describe all short-term, long-term, permanent, and temporary Project impacts on biological resources, including all direct and foreseeable indirect impacts. We suggest

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including a scientifically supported discussion that includes reviews of, and references to, current scientific literature as part of the analysis of impacts on fish and wildlife species and habitat.

CDFW also recommends that the PEIR include an assessment of known stressors for species in the Project area and how these stressors may be reduced or enhanced by the Project. This would allow for a more direct assessment of how well Project activities affect species in the Project area.

Thresholds of Significance

CDFW recommends that the significance thresholds used in the environmental impact analysis be clearly defined in the PEIR. For reference, Appendix G of the CEQA Guidelines identifies significance thresholds for biological resources impacts, including Mandatory Findings of Significance. While CDFW recognizes these thresholds as generally appropriate, additional considerations may be necessary.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)


CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a PEIR to assist CVFPB in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Bjarni Serup, Senior Environmental Scientist Supervisor, at (916) 268-8163 or by email at Bjarni.Serup@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Brooke Jacobs
Acting Water Branch Chief

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

ec: California Department of Fish and Wildlife

Kristal Davis Fadtko, Environmental Program Manager
Water Branch
Kristal.Davis-Fadtko@wildlife.ca.gov

Melissa Farinha, Environmental Program Manager
Bay Delta Region
Melissa.Farinha@wildlife.ca.gov

Colin Purdy, Environmental Program Manager
North Central Region
Colin.Purdy@wildlife.ca.gov