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September 6, 2024

Judah Grossman, Senior Environmental Scientist
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Subject: Tide's End Multibenefit Restoration Project, Notice of Preparation of a Draft Supplemental Environmental Impact Report, SCH No. 2024070944, Yolo County

Dear Judah Grossman:

The California Department of Fish and Wildlife (CDFW) has reviewed the Department of Water Resources' (DWR) Notice of Preparation (NOP) of a draft Supplemental Environmental Impact Report (SEIR) for the Tide's End Multibenefit Restoration Project (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 fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing DWR, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

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.) For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency

[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.

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 over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project 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.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact 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.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may 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, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling, is also generally subject to notification requirements**.** Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: Department of Water Resources

Objective: The objective of the 2,212-acre Project is to restore tidal marsh and associated floodplain habitat while preserving and enhancing existing land uses (e.g., agriculture and managed wetlands). Located at the fluvial-tidal interface at the downstream end of the Yolo Bypass, adjacent to the Cache Slough Complex, the proposed Project would connect a 10-mile stretch of uninterrupted floodplain and wetland habitat. Primary Project activities include restoration of tidal connectivity to the Toe Drain for low-lying areas where the ground elevation is suitable to support tidal marsh habitat by opening an existing berm adjacent to the Toe Drain and excavating tidal channels, creation of managed seasonal wetlands in higher elevation areas, enhanced volitional fish passage by reductions and/or improvements to existing human-built obstructions, enhanced climate change resiliency by allowing for inland migration of tidal marsh habitat with sea-level rise.

Location: Yolo County, County Road 155, and County Road 107, Latitude/Longitude: 38.386889, 121.638306.

Timeframe: Unknown at this time.

The CEQA Guidelines (§§15124 & 15378) require that the draft SEIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Land use changes or incompatible land uses (e.g., presence of oil/gas wells, managed wetland water management for waterfowl vs water management that favors salmonids) resulting from Project implementation.

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.

- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.

- Operational features of the Project, during and after implementation including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, ongoing management of water control structures, and other features.

- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft SEIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft SEIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft SEIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities (see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City or County may require. Fully protected, threatened, or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Plants

- Parry's rough tarplant; California Native Plant Society (CNPS) Rank 4.2
- Woolly rose-mallow; CNPS Rank 1B.2
- Mason's lilaeopsis (*Lilaeopsis masonii*), State-listed as Rare
- Suisun Marsh aster (*Symphyotrichum lentum*), CNPS Rank 1B.2
- Delta tule pea (*Lathyrus jepsonni var jepsonii*), CNPS 1B.2
- Delta mudwort (*Limosella australis*), CNPS 2.B1

Fishes

- Green Sturgeon (*Acipenser medirostris*), Federally-listed as Threatened (FT)
- White Sturgeon (*Acipenser* transmontanus), State candidate for listing as Threatened (ST)
- Central Valley Steelhead (*Oncorhynchus mykiss irideus)*, FT
- Central Valley fall-run Chinook Salmon (*Oncorhynchus tshawytscha*), State Species of Special Concern (SSC)
- Central Valley spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), ST, FT
- Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*), State-listed as Endangered (SE), Federally-listed as Endangered (FE)
- Delta Smelt (*Hypomesus transpacificus*), SE, FT
- Longfin Smelt (*Spirinchus thaleichthys*), ST
- Sacramento Splittail (*Pogonichthys macrolepidotus*), SSC

Reptiles

- Pacific pond turtle (*Emys marmorata*), SSC
- Giant garter snake (*Thamnophis gigas*), ST, FT

Birds

- Swainson's hawk (*Buteo swainsoni*), ST
- Northern harrier (*Circus hudsonius*), SSC
- Western yellow billed cuckoo (*Coccyzus americanus*), FT
- California black rail (*Laterallus jamaicenis coturniculus*), ST
- Loggerhead shrike (*Lanius ludovicianus*), SSC
- Yellow warbler (*Denroica petechia*), SSC
- Song sparrow (*Melospiza melodia*), SSC
- Tricolored blackbird nesting colonies (*Agelaius tricolor*), ST
- And other nesting and migratory birds

Mammals

- Western red bat (*Lasiurus blossevillii*), SSC
- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), Fully Protected Species

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB), or any geographically relevant Habitat Conservation Plans (HCP), Natural Community Conservation Planning (NCCP) or other conservation planning documents. Only with sufficient data and information can DWR adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should

also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW botanical field surveyor qualifications and protocols for surveying and evaluating impacts to rare plants and required elements to include in a Botanical Survey Report that should be incorporated into the draft SEIR available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would cause a reduction/conversion of riparian or other sensitive habitat, reduce open space, or impact managed wetlands or agricultural land uses;
- Changes in hydrological/hydraulic conditions through levee breaches and changes to flow routing that could negatively impact neighboring properties and/or cause unintended impacts to water quality or cause an increase in non-native species both during construction and ongoing operation of the Project;
- Potential for impacts to special-status species (e.g., riparian obligates);
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including riparian vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat;

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct DWR, as the Lead Agency, to consider and describe in the draft SEIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service (NMFS) and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as salt marsh harvest mouse (*Reithrodontomys raviventris*) may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid take of fully protected species.

COMMENTS AND RECOMMENDATIONS

Based on the information provided in the NOP and received during early coordination CDFW offers the comments and recommendations below to assist DWR in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and/or indirect impacts on fish and wildlife (biological) resources. **These comments and recommendations are not an exhaustive list and CDFW may provide additional recommendations as more Project specific information is disclosed. The draft SEIR must include a full Project Description, Environmental Setting, and Impact Analysis and Mitigation Measures as outlined above.** Editorial comments or other suggestions may also be included to improve the document.

BACKGROUND

COMMENT 1: Healthy Rivers and Landscapes (HRL) Program (formerly the Voluntary Agreements (VA) Program)

Issue: On Page 2 The NOP states, "the Project supports the principles and framework outlined in the Voluntary Agreements". More information will be needed that describes

how the Project will meet the standards of an HRL/VA project as currently defined in the Healthy Rivers and Landscapes Final Draft Science Plan, Draft Science Program Charter, and Draft Strategic Plan (HRL Final Draft Science Plan 2024, HRL Draft Science Program Charter 2024, and HRL Draft Strategic Plan 2024). The Draft Strategic Plan describes the process in which this Project will establish a project work team or technical advisory committee to develop design criteria that are consistent with design standards for a given habitat type (e.g., tidal wetlands and floodplain). This includes participation and review by CDFW, USFWS, NMFS, and State Water Resources Control Board to ensure the project contributes towards the HRL objectives and is based on the best available science and information. The HRL Science Plan also describes a process for HRL non-flow measures where the Delta-specific Governance Entity develops a project-specific or Delta-specific science plan that is consistent with the HRL framework. The Project-specific or Delta-specific science plan needs to include applicable HRL hypothesis at multiple spatial/temporal scales and a monitoring plan. The science and monitoring plan needs to include the following components: accounting for non-flow (habitat) measures to assess progress toward achieving Memorandum of Understanding (MOU) commitments (MOU 2022), habitat suitability assessments to evaluate the ability of improved habitat to support species and habitat utilization and biological effectiveness assessments to evaluate target species usage and benefit from improved habitat.

Without more information about the specific process or a timeline for how these elements of a HRL project will be addressed, particularly the development of a multi-agency/stakeholder project specific science team (i.e., Delta-specific Governance Entity) early in the planning process, this could impact the HRL crediting in terms of meeting obligations under the HRL MOU.

Recommendation 1: Develop a timeline of how and when the HRL framework will be implemented and describe and analyze in the draft SEIR any ongoing effectiveness monitoring or other ongoing activities that will be associated with the Project.

PROJECT DESCRIPTION

COMMENT 2: Riparian Conversion/Setbacks

Issue: The Project has the potential to encroach into riparian vegetation (i.e., “riparian zone”) and/or convert existing riparian habitat into another habitat type from development of the project. Riparian conversion/encroachment into the riparian zone can adversely impact sensitive riparian and aquatic species through reduction of habitat and decreased water quality. Specifically, there are a number of riparian dependent avian (e.g. Swainson’s hawk (*Buteo swainsoni*), western yellow billed cuckoo (*Coccyzus americanus*), Yellow warbler (Denroica petechia), and Song sparrow (Melospiza

melodia)) and a variety of listed fish species that rely on the ecosystem services of the few remaining patches of mature riparian forest in the project area.

Evidence impact would be significant: Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat, including thermal protection, cover, and large woody debris (Moyle 2002, CDFW 2007). Development adjacent to or conversion of the riparian zone can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, Hansen et al. 2005, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Recommendation 2: CDFW recommends the Project establish, and the draft SEIR incorporate, riparian buffer zones to limit development and vegetation clearing to outside of and away from riparian areas. CDFW also recommends limiting any proposed riparian conversion to the minimum necessary and to identify opportunities for riparian enhancement. CDFW staff are available to consult with DWR to determine appropriate site-specific riparian buffers, and/or opportunities for riparian enhancement to reduce impacts to sensitive species and riparian habitat to less-than-significant. We also recommend that either the Project find higher elevation areas within the project footprint that can support riparian enhancements to minimize the need for off-site riparian mitigation to compensate for riparian habitat conversions or evaluate a Project design alternative that avoids impacts to riparian forest in the draft SEIR.

COMMENT 3: Presence/Habitat Use of Delta Smelt in the Project Area

Issue: Page 3 of the NOP states: “the proposed project would connect a ten-mile stretch of uninterrupted floodplain and wetland habitat in one of the most critical areas for smelt and salmonid habitat restoration in the Delta.” The North Delta Arc consisting of Suisun Marsh, the lower Sacramento River, the Cache-Lindsey Complex (CLC), and Yolo Bypass has been identified in a number of recovery efforts as critical habitat for native fish species in the northern San Francisco Estuary. Although the project area is within this broad region, it may be unlikely that Delta smelt will be utilizing the project site.

Recommendation 3: If direct benefits to Delta Smelt continue to be a primary project objective, then CDFW recommends that the draft SEIR provide evidence for successful smelt rearing on managed floodplains in the Project area and include Delta Smelt specific HRL hypothesis/targets in the development of the Project science plan. In

addition, the draft SEIR should also disclose and analyze any activities associated with hypothesis testing and monitoring within the project area.

COMMENT 4: Fish Passage

Issue: Page 3 of the NOP states that, "The proposed Project would also improve volitional fish passage between the Project Area and the Toe Drain through the reduction or improvement of existing human-built obstructions." As planning progresses more specificity will be needed to determine the details of this statement. Ponding or retaining water through the use of new and enhanced berms in addition to water control structures, can reduce aquatic connectivity and disconnect fish from the Sacramento River.

Evidence impact would be significant: Habitat fragmentation of watercourses as a result of impoundment and water control purposes is considered one of the major threats to worldwide aquatic biodiversity, including freshwater fishes (Liermann et al., 2012, Nicola et al., 1996, Poulet, 2007). The Delta serves as a migration corridor for all anadromous fish species in the Central Valley. Anadromous and resident native fish species require volitional access to all Delta habitats available to them to meet their basic life history requirements (e.g., spawning, rearing, migration). Instream barriers to fish passage and unscreened water diversions impede migratory and rearing movements and adversely affect overall species survival.

Recommendation 4: The draft SEIR should provide information on how volitional passage is provided (fish passage structure design, scientific references, modeling, etc)**.** CDFW recommends project proponents develop a management plan that can ensure that disconnected, ponded water is minimized or eliminated to prevent stranding juvenile fish within the Project area. In addition, the draft SEIR should require that all inlet pumps on water control structures be fitted with fish screens that adhere to CDFW's fish screening criteria to reduce entrainment or impingement of fish. CDFW's fish screening criteria can be found in the California Salmonid Stream Restoration Manual's Appendix S available at: https://wildlife.ca.gov/Grants/FRGP/Guidance.

COMMENT 5: Compatibility of Land Uses (e.g., Sustainable Agriculture, Managed Wetlands, and Fish Habitat)

Issue: The NOP states that, "Long-term proposed Project operations would integrate ecologically sensitive seasonal floodplain agriculture (e.g., rice operations) and fish-friendly waterfowl management practices in managed wetland areas, providing seasonal food production to native fish species while integrating ongoing agricultural and recreational uses of the site." The term 'sustainable agriculture' is also used on Page 4. Recent work (Stumpner et al., 2020) suggest that variable residence times or tidal exchange zones of tidal channels can provide increased fish food production and

other water quality benefits. Careful water management will be needed to maximize these benefits and may include trade-offs in terms of the different project objectives, particularly during dry water years.

Evidence impact would be significant: Recent work in the Delta (Anzalone et al., 2022, Fuller et al., 2022) found significantly higher concentrations of organochlorines recorded in floodplain rearing fish and bioavailable organochlorine in floodplain sediment compared to the Sacramento River. These findings suggest that within these habitats, juvenile Chinook salmon feeding primarily on zooplankton within the water column may be exposed to a greater range of pesticides than those feeding on benthic macroinvertebrates, and that the benefits of floodplain rearing may come at a cost of increased organochlorine exposure. Other studies have documented higher growth rates associated with floodplain rearing of hatchery origin juvenile salmonids but with variable survival rates (Katz and et al., 2017, Jeffres et al., 2020). Managed wetlands primarily managed for the benefit of waterfowl may or may not be compatible with fish food production depending on the specific management practices employed (Williamshen et al., 2021). Managed wetlands are recognized as novel ecosystems that support a mixture of native and non-native aquatic species (Moyle et al. 2014; Aguilar-Medrano et al., 2019) and the management objectives could be at odds if the Project's sole objective is to benefit native aquatic species.

Recommendation 5: CDFW recommends careful early planning to ensure that long-term operations and management of the site has support from all stakeholders representing the different land uses. Specifically, we recommend developing an adaptive management plan that clearly details the management practices associated with rice agriculture (e.g., limit or eliminate pesticide use, water management schedule relative to fish needs, etc.) and managed wetlands associated with different water year types. Careful planning and stakeholder commitments to mutual compromise will be necessary for project success. CDFW recommends the Project proponent consider including specific HRL hypotheses to show the Project benefits to native fish rearing. The draft SEIR should also disclose any ongoing monitoring or management that will be carried out as part of an adaptive management plan or hypothesis testing.

COMMENT 6: Beaver Abatement

Issue: The NOP does not directly address animal abatement including beaver dam abatement. In 2023, CDFW established a Beaver Restoration Program and adopted a beaver depredation policy that promotes human-beaver coexistence. It is unclear if the Project will implement or adhere to this new program.

Evidence impact would be significant: Beaver colonization and behavior is valuable to the ecosystems they maintain (e.g., felling trees, damming waterways), however, this behavior may lead to direct contact and potential conflict with Project infrastructure.

Abatement of beavers within the Project area may result in significant impacts to environmental systems within the Project area.

Recommendation 6: CDFW recommends the draft SEIR include an evaluation of potential beaver colonization within the Project area and potential beaver damage to existing or future project infrastructure. The draft SEIR should identify effective and feasible non-lethal deterrent strategies and options that could be implemented in lieu of lethal beaver management. Installation of these devices and equipment may be done proactively to prevent beaver damage or may be pursued to abate damage as an alternative to pursuing depredation. CDFW also recommends as an alternative that the Project be designed to be inclusive of beaver establishment and resilient to beaver activities.

COMMENT 7: CDFW Conservation Easement and Future Managed Wetland Activities

Issue: The draft SEIR should address impacts to existing conservation easements within the project area, including but not limited to those where CDFW is Grantee. The Yolo Basin Farms (YBF) Conservation Easement was granted to CDFW and is located within the project area. Within the conservation easement language, “uses and activities which in any way results in a diminution in the quality of wetland and waterfowl habitat or the use thereof by wildlife” are specifically prohibited. The YBF Conservation Easement also has an associated site-specific management plan that is intended to “optimize waterfowl food production and/or nesting and brood habitat”. Currently, the YBF Conservation Easement falls within the proposed tidal marsh restoration area of the Project which would directly conflict with the YBF Conservation Easement and its associated management plan. In the NOP it states that Project operations would implement “fish-friendly waterfowl management practices” but does not specify what these actions would be and how they would align with the purpose and goals set forth within the management plan of the conservation easement.

Evidence impact would be significant: Tidal marshes, although utilized by waterfowl when other wetland habitats are unavailable, are not selected for when managed wetlands are flooded and present on the landscape (Casazza et al., 2021). This demonstrates that tidal marshes lack the necessary resources (e.g., abundant moist-soil seeds) to support and promote high waterfowl use. This is further demonstrated in Smith, 2022, where waterfowl preferred food plants comprised 66.7-73.1 percent of the seeds found in managed wetlands, but only 10.12 to 13.9 percent of seeds in tidal marshes, thus suggesting that tidal marshes provide little food energy value to support waterfowl populations. More information is needed regarding the definition of “fish-friendly waterfowl management practices” as managed wetlands primarily managed for the benefit of waterfowl may or may not be compatible with fish food production depending on the specific management practices employed (Williamshen et al., 2021).

Recommendation 7: CDFW recommends meeting with all stakeholders to develop a plan on how the purpose and goals set forth in the YBF Conservation Easement can be addressed. This will require early consultation and planning in advance during the project design phase to avoid potential delays to the Project and to ensure compliance with the conservation easement and associated management plan.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found here: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP in order to assist DWR in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Elijah Portugal, Senior Environmental Scientist, at (707) 428-2088 or Elijah.Portugal@wildlife.ca.gov; or Melissa Farinha, Environmental Program Manager, at (530) 351-4801 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

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

REFERENCES

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