

DEPARTMENT OF WATER RESOURCES

SYSTEMWIDE MULTI-BENEFIT INITIATIVES
715 P Street
SACRAMENTO, CA 95814

**NOTICE OF PREPARATION**

To: Agencies and Interested Parties

From: California Department of Resources

Date: July 22, 2024

Subject: Notice of Preparation and Scoping Meetings for the Tide's End Multibenefit Restoration Project Supplemental Environmental Impact Report

Notice is hereby given that the California Department of Water Resources (DWR), as the Lead Agency under the California Environmental Quality Act (CEQA), is planning to prepare a Supplemental Environmental Impact Report (SEIR) for the Tide's End Multibenefit Restoration Project (proposed Project). DWR has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed Project and its potential environmental effects. Public scoping meetings will be held to receive comments on the scope and content of the SEIR. Three public scoping meetings will be held (details below): 1) In-person on August 6, 2024, from 9:00 a.m. to 10:30 a.m. at California Natural Resources Headquarters in Sacramento with a virtual option via Zoom; 2) Virtual only on August 7, 2024, from 12:00 p.m. to 1:00 p.m. via Zoom; 3) In-person only on August 8, 2024, from 5:00 p.m. to 6:30 p.m. at Yolo Bypass Wildlife Area Headquarters in Davis.

DWR invites each responsible and trustee agency, and each Federal agency, including National Environmental Protection Act (NEPA) cooperating agencies involved in approving or funding the proposed Project, to provide input as to the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed Project. DWR is also accepting comments from members of the public and Native American Tribes on the scope and content of the SEIR, as well as suggested alternatives to the proposed Project that may be considered in the SEIR.

INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), which specifies that a public agency must prepare an Environmental Impact Report on any project that it proposes to carry out or approve that may have a potentially significant or significant direct or indirect effect on the physical environment, the Department of Water Resources (DWR) will serve as lead agency and will prepare a Supplemental Environmental Impact Report (SEIR) for the Tide's End Multibenefit Restoration Project (proposed Project).

BACKGROUND

The Agreements to Support Healthy Rivers and Landscapes Program, often referred to as the "Voluntary Agreements," are a comprehensive, multi-year solution to restore ecosystems and strengthen water supply reliability across California. The Voluntary Agreements were formally proposed to the State Water Resources Control Board (Water Board) in the March 29, 2022 "Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan and Other Related Actions" (2022 MOU). The signatories to the 2022 MOU, including DWR, intend to provide an implementation pathway for the updated Bay-Delta Water Quality Control Plan, providing flexible, adaptive management to real-time conditions. Since the 2022 MOU, the Water Board has been evaluating the Voluntary Agreements, releasing a Draft Scientific Basis Report in January 2023¹ and a Draft Staff Report in September 2023.² DWR proposes the Tide's End Multibenefit Restoration Project (proposed Project) as a project supporting the principles and framework outlined in the Voluntary Agreements.

The proposed Project also furthers the goals and objectives of the Central Valley Flood Protection Plan (CVFPP) by managing floodway roughness, maintaining long-term flood capacity, and reducing potential flood encroachments in the Yolo Bypass. The proposed Project also furthers the goals and objectives of the CVFPP's Conservation Strategy by increasing the quantity, quality, and connectivity of aquatic, wetland, and riparian habitat in the flood system through the integration of ecological principles with flood risk reduction projects and activities. In addition, the proposed Project will contribute to the sustainability of agriculture in the region by improving efficiencies of water delivery and drainage associated with the proposed Project area and adjacent landowners.

PROJECT AREA

The proposed Project Area is in Yolo County, approximately six miles southwest of the City of Sacramento, at the northern end of the Sacramento-San Joaquin River Delta (Delta) (Figure 1). It encompasses approximately 2,212 acres at the downstream end of the Yolo Bypass and is adjacent to the Toe Drain that parallels the west side of the Sacramento Deep Water Ship

1 State Water Resources Control Board, California Department of Water Resources, and California Department of Fish and Wildlife. 2023. *Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan.*

2 State Water Resources Control Board. 2023. *Draft Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta.*

Channel. Land uses in the vicinity are primarily seasonal agriculture and managed seasonal wetlands for waterfowl.

PROJECT DESCRIPTION

The proposed Project would restore tidal marsh and associated floodplain habitat while preserving and enhancing existing land uses. 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 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 (Figure 1).

The Project Area consists of 2,212 acres of agricultural lands and managed waterfowl habitat across six properties: Capitol Oil (Assessor's Parcel Numbers [APNs]: 033450002000, 033190010000, 033440006000, 033450001000), Laurel G (APNs: 033220054000, 033220052000), Yolo Basin (APN 033220046000), Lucky Five South (APN 033220009000), Kleary (APN 033220068000), and Williams (APN 033220067000). The proposed Project would restore 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.

The proposed Project Area's low-lying, low-gradient floodplain areas would be preserved, providing an opportunity for long-term climate change resilience by allowing for inland migration of tidal marsh habitat in the face of sea-level rise. 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. 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 proposed Project would provide up to approximately 450 acres of tidal marsh and tidal channels; 630 acres of floodplain habitat; and 1,132 acres of managed floodplain and associated infrastructure, including managed seasonal wetlands for waterfowl, agricultural fields, irrigation supply channels, and associated berm and road infrastructure. The restored mix of tidal, floodplain, and managed habitats would improve habitat for listed species, including delta smelt (*Hypomesus transpacificus*) and steelhead (*Oncorhynchus mykiss*), contributing to the aquatic fish habitat targets under the Voluntary Agreements as well as the measurable objectives of CVFPP's Conservation Strategy. The proposed restoration design elements would contribute to conservation, climate, and drought resilience efforts and regional priorities by creating and improving functional fish habitat, improving regional capacity for inland migration, improving floodplain food-web productivity for fish, and preserving and improving conditions for local agricultural and recreational interests where feasible.

The proposed Project is a multibenefit project that contributes to flood management and ecosystem goals outlined in the CVFPP and Conservation Strategy, as well as sustainable

agriculture for the region. The proposed Project design will incorporate sustainable, wildlife-friendly agriculture (e.g., wild rice production) that is also compatible with floodway operations. Through sustainable agriculture, the area will retain the intended capacity for seasonal flood flow by managing the roughness of the proposed Project site. Other areas in the proposed Project site will be maintained in other land cover types that are also compatible with seasonal flood flows like managed marsh and seasonal wetlands. The proposed Project would also improve drainage and irrigation, thereby facilitating the proposed land uses and providing broader benefits to the region.

By restoring and reconnecting tidal and floodplain habitats, the proposed Project would amplify the benefits of seasonal flows from the Big Notch³ Project in the proposed Project Area, mimicking the shallow, long-duration flood patterns that existed historically to restore the underlying ecological processes necessary to support productive aquatic ecosystems.

ENVIRONMENTAL REVIEW

As explained in CEQA Guidelines Section 15163, a lead agency may choose to prepare an SEIR when only minor additions or changes would be necessary to make a previous EIR adequately apply to the project in the changed situation (i.e., when changes related to the project, circumstances, or available information that may involve new or substantially more severe significant effects on the environment). The SEIR includes the information necessary to make the previous CEQA document adequate for the project as revised. As such, DWR, as lead agency under CEQA, will prepare an SEIR to evaluate whether new significant effects would result from implementation of the proposed Project, as compared to the environmental impacts disclosed in the Program Environmental Impact Report (PEIR) prepared by the State Water Resources Control Board (State Water Board) for the General Order for Clean Water Act (CWA) Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (“Statewide Restoration General Order”, or SRGO) adopted August 16, 2022. The SEIR will be tiered off the PEIR pursuant to CEQA guidelines section 15152.

The PEIR evaluates the potential impacts of various types of restoration projects covered by the SRGO. The proposed Project would meet the SRGO PEIR definition of a “Restoration Project,” as it would result in a net increase in aquatic resource functions through implementation of relevant protection measures listed in the SRGO PEIR. In addition, proposed Project improvements and restoration activities (as described above) are covered within the eligible project types described in the SRGO PEIR (e.g., “Floodplain Restoration”, “Removal of Nonnative Invasive Species and Revegetation with Native Plants”, “Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetlands”).

The SEIR will evaluate potential project-specific and cumulative environmental effects associated with the proposed Project, as well as alternatives to the proposed Project, to the extent necessary to make the SRGO PEIR adequate for the proposed Project. The SEIR will

³ The Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (or “Big Notch”) is a 30,000-acre floodplain habitat and fish passage project in the Yolo Bypass.

analyze environmental resource topics that may experience potentially significant impacts from the construction and/or long-term operation of the proposed Project, including the following:

- aesthetics
- agriculture and forestry resources
- air quality
- biological resources
- cultural resources
- energy
- geology and soils
- greenhouse gas emissions
- hazards and hazardous materials
- hydrology and water quality
(surface and groundwater resources)
- land use and planning
- mineral resources
- noise
- population and housing
- public services
- recreation
- transportation
- tribal cultural resources
- utilities/service systems
- wildfire
- mandatory findings of significance

SCOPING MEETINGS

Scoping meetings will be held on the following dates:

- In-person with a virtual option in Sacramento on August 6, 2024, at California Natural Resources Headquarters, 715 P Street, 1st Floor Auditorium, Sacramento, CA 95814 from 9:00 a.m. to 10:30 a.m. Zoom link: <https://ca-water-gov.zoom.us/meeting/register/tZYpceippiwpGNw4kFzUiD38AXzD4p1GVyxo>
- Virtual only on August 7, 2024, from 12:00 p.m. to 1:00 p.m. via Zoom: <https://ca-water-gov.zoom.us/meeting/register/tZUpcOCqpi8oGtJG5vFf6n17cJPDIZwFZRYn>
- In-person only on August 8, 2024, at Yolo Bypass Wildlife Area Headquarters, 45211 County Rd 32B (Chiles Rd), Davis, CA 95618 from 5:00 p.m. to 6:30 p.m.

Each scoping meeting will include a brief presentation about the proposed Project, followed by time to receive oral and written public comments on the content and scope of the SEIR.

If attendees would like any specific accommodation(s) for these scoping meetings, those requests for accommodation should be submitted no later than July 29, 2024 via e-mail to tidesendmbp@water.ca.gov with the subject heading “RE: Tide’s End Multibenefit Project Scoping Meeting Accommodation.”

WRITTEN COMMENTS

This NOP is being circulated to obtain suggestions and information from interested parties, including responsible and/or trustee agencies and members of the public, on the content and scope of environmental information that may be addressed in the SEIR. In accordance with CEQA Guidelines section 15082(b)(1)(B), within 30 days of receiving the NOP, responsible and trustee agencies shall provide DWR with specific detail about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to each responsible agency's area of statutory responsibility that must be explored in the SEIR, as well as an indication of their respective level of responsibility for the proposed Project. Agencies and organizations should provide a contact name and information in their letters.

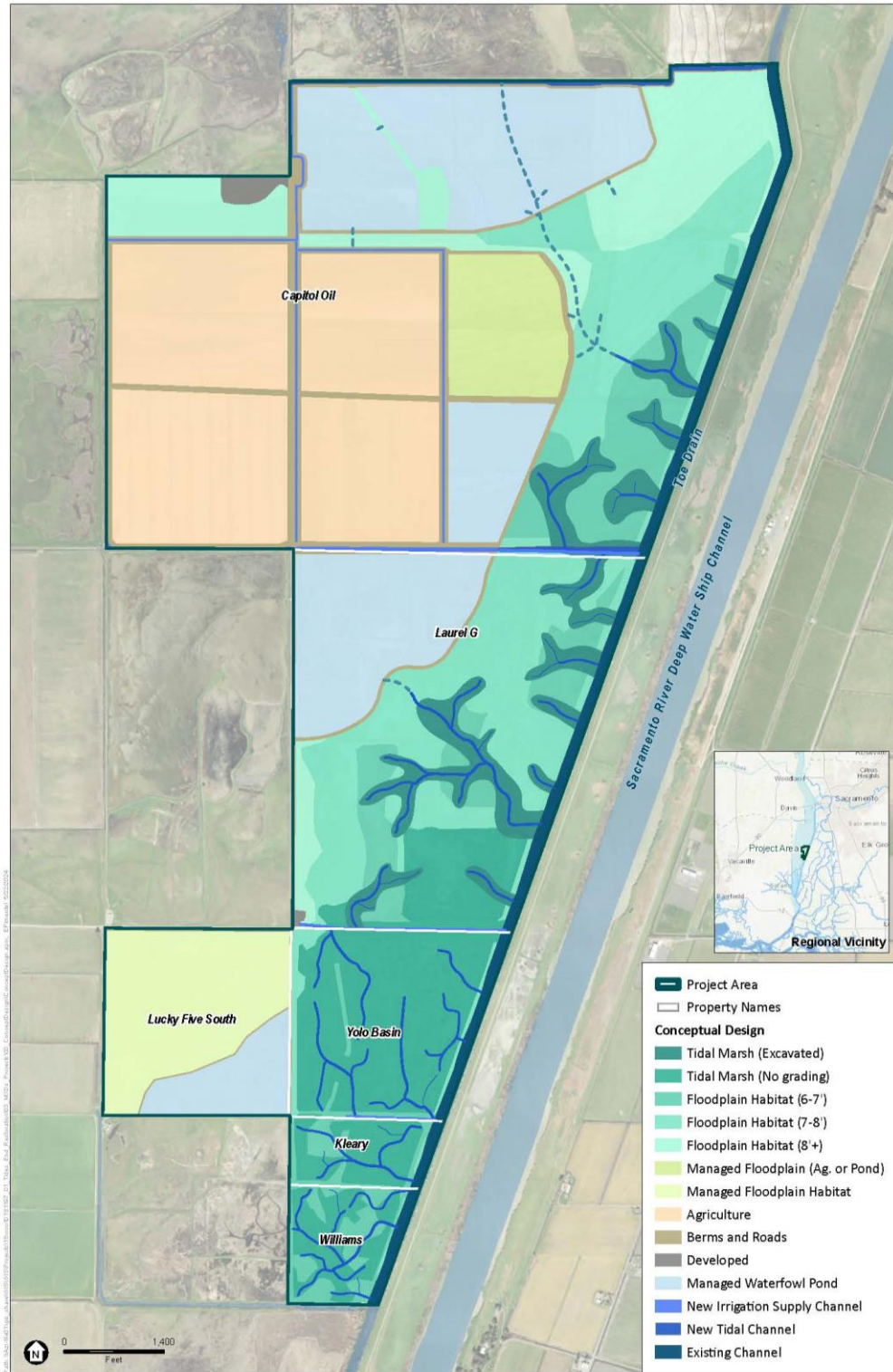
All comments received will be made available for public review in their entirety, including the names and addresses of the respondents. Individual respondents may request that their name and/or address be withheld from public disclosure. DWR will honor such requests to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment.

This NOP is also available electronically on DWR's website: <https://water.ca.gov/News/Public-Notices>

Written comments on the scope of the SEIR are due no later than **5:00 pm on August 23, 2024**, should include the subject heading "RE: Tide's End Multibenefit Project NOP" and should be sent to:

Department of Water Resources,
Division of Multibenefit Initiatives
Attn: Judah Grossman
P.O. Box 942836
Sacramento, CA 94236-0001

Or via e-mail to tidesendmbp@water.ca.gov



Tide's End MultiBenefit Restoration Project

Figure 1
Proposed Project Location and Conceptual Restoration Design

SOURCE: esri 2022, CCED 2022, ESA 2024