

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Yolo

625 Court Street, Room B01

Woodland, CA 95695

**From:** (Public Agency): CA Department of Water Resources  
715 P Street  
Sacramento, CA 95814

(Address)

Project Title: Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project - Flowage Easement Acquisitions for Potential Future Adaptive Management

Project Applicant: California Department of Water Resources

Project Location - Specific:

Yolo Bypass, Yolo County; Specific APNs are listed in Attachment A

Project Location - City: N/A Project Location - County: Yolo

Description of Nature, Purpose and Beneficiaries of Project:

See Attachment B (project description) and Attachment C (map of project potential inundation)

Name of Public Agency Approving Project: California Department of Water Resources

Name of Person or Agency Carrying Out Project: California Department of Water Resources

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: \_\_\_\_\_
- ☒ Statutory Exemptions. State code number: Public Resources Code section 21080.28

Reasons why project is exempt:

Adaptive management flowage easements will be acquired for potential future use for partial restoration of natural floodplain conditions within the Yolo Bypass for the benefit of native fish species that are listed or endangered under the Federal and California Endangered Species Acts. Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project operations will only be modified to utilize such easements after future completion of any environmental review that would otherwise be required by law absent this exemption.

Lead Agency

Contact Person: Elizabeth Vasquez Area Code/Telephone/Extension: 916-707-1268

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Dean Messer Date: 3/7/2022 Title: Division Manager

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

## **Attachment A**

|             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|
| 008-010-003 | 033-140-047 | 033-220-008 | 042-220-003 | 057-160-010 |
| 008-010-013 | 033-140-048 | 033-220-009 | 042-230-002 | 057-170-001 |
| 008-010-017 | 033-140-057 | 033-220-046 | 042-230-003 | 057-170-003 |
| 008-010-034 | 033-140-059 | 033-220-049 | 042-240-005 | 057-170-004 |
| 008-020-004 | 033-160-001 | 033-220-050 | 042-240-020 | 057-170-009 |
| 008-990-001 | 033-160-003 | 033-220-052 | 042-260-003 | 057-170-010 |
| 008-990-002 | 033-160-005 | 033-220-054 | 042-260-007 | 057-170-099 |
| 008-990-003 | 033-160-006 | 033-220-058 | 042-260-019 | 057-200-001 |
| 008-990-004 | 033-160-012 | 033-220-060 | 042-260-020 | 057-200-002 |
| 014-600-009 | 033-160-014 | 033-220-061 | 042-260-021 | 057-200-004 |
| 014-600-012 | 033-160-021 | 033-220-062 | 042-260-023 | 057-200-006 |
| 014-600-065 | 033-160-023 | 033-220-063 | 042-260-024 |             |
| 014-600-073 | 033-160-025 | 033-220-067 | 042-260-026 |             |
| 014-600-074 | 033-160-028 | 033-220-068 | 042-270-001 |             |
| 014-600-076 | 033-160-029 | 033-300-005 | 042-270-007 |             |
| 014-980-004 | 033-160-030 | 033-300-011 | 042-270-013 |             |
| 014-980-005 | 033-160-031 | 033-300-033 | 042-270-014 |             |
| 033-011-004 | 033-170-013 | 033-300-035 | 042-270-015 |             |
| 033-011-007 | 033-180-001 | 033-440-001 | 042-270-017 |             |
| 033-011-015 | 033-180-002 | 033-440-002 | 042-280-012 |             |
| 033-012-014 | 033-180-008 | 033-440-004 | 042-330-007 |             |
| 033-012-021 | 033-180-010 | 033-440-006 | 042-340-001 |             |
| 033-120-003 | 033-180-018 | 033-450-001 | 042-340-002 |             |
| 033-120-007 | 033-180-020 | 033-450-002 | 057-020-001 |             |
| 033-120-021 | 033-180-022 | 033-560-001 | 057-020-006 |             |
| 033-120-034 | 033-180-023 | 033-560-002 | 057-020-009 |             |
| 033-120-035 | 033-180-024 | 033-560-003 | 057-020-010 |             |
| 033-120-036 | 033-180-025 | 033-560-004 | 057-060-002 |             |
| 033-120-037 | 033-180-026 | 033-560-005 | 057-060-008 |             |
| 033-120-039 | 033-180-027 | 033-560-006 | 057-060-011 |             |
| 033-140-017 | 033-190-005 | 033-560-009 | 057-070-005 |             |
| 033-140-023 | 033-190-010 | 033-640-021 | 057-070-006 |             |
| 033-140-031 | 033-190-011 | 042-190-001 | 057-100-011 |             |
| 033-140-032 | 033-190-013 | 042-190-002 | 057-100-015 |             |
| 033-140-033 | 033-190-036 | 042-190-004 | 057-100-016 |             |
| 033-140-034 | 033-190-037 | 042-200-001 | 057-130-010 |             |
| 033-140-035 | 033-190-038 | 042-200-002 | 057-130-012 |             |
| 033-140-043 | 033-210-070 | 042-210-002 | 057-150-008 |             |
| 033-140-044 | 033-210-071 | 042-210-003 | 057-160-001 |             |
| 033-140-045 | 033-220-004 | 042-220-001 | 057-160-007 |             |
| 033-140-046 | 033-220-007 | 042-220-002 | 057-160-009 |             |

## **Attachment B**

The Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Project) was designed by the Department of Water Resources (DWR) and the United States Bureau of Reclamation to achieve compliance with Reasonable and Prudent action (RPA) I.6.1 and partial compliance with RPA action I.7 of the National Marine Fisheries Service's (NMFS's) 2009 Biological Opinion and Conference Opinion on the Long-term Operations of the Central Valley Project and the State Water Project (NMFS 2009 LTO BO). RPA action I.6.1 states the need to increase the availability of floodplain fisheries rearing habitat for juvenile Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead and RPA action I.7 states the need to reduce migratory delays and mortalities of federally listed fish species within the Yolo Bypass. On July 19, 2019, DWR certified the Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and filed a Notice of Determination (SCH# 2013032004). RPA actions I.6.1 and I.7 were subsequently included in the baseline conditions for the superseding NMFS's 2019 LTO BO, issued on October 21, 2019. The Project is also required under Section 9.2.2 of the Incidental Take Permit for Long-Term Operation of the State Water Project in the Sacramento-San Joaquin Delta (2081-2019-066-00) (LTO ITP), issued March 31, 2020, by the California Department of Fish and Wildlife.

The Project will allow increased flow through a gated notch on the east side of the Fremont Weir to create a better hydraulic connection between the Sacramento River and the Yolo Bypass. As described under Alternative 1 (Project alternative) in the EIS/EIR, from November 1 to March 15 each year, when water surface elevations in the Sacramento River are amenable to fish passage, the Project will allow flows up to approximately 6,000 cfs, depending on Sacramento River elevation, through the gated notch to provide open channel flow for adult fish passage, juvenile emigration, and floodplain inundation. After March 15, Project flows will be limited to the capacity of the Tule Canal in the Yolo Bypass to prevent additional floodplain inundation from the Project. DWR has initiated the process of acquiring flowage easement rights necessary to operate the Project as described in Alternative 1 of the EIS/EIR.

Additionally, in order to determine if Project objectives are being met, and as required under the 2019 NMFS LTO BO and 2020 LTO ITP, DWR has adopted a Project Adaptive Management and Monitoring Plan. Several potential management responses are possible if specific intervention thresholds are met during monitoring, one of which is consideration of modifying Project operations. DWR has determined that there is a reasonable probability that adaptive management of the Project will be required within a reasonable period of time after Project operations commence. For this reason, DWR is acquiring adaptive management flowage easement rights for potential future Project operations over the properties specified in this Notice of Exemption. The adaptive management flowage easements would allow for Project operations to increase flows up to 12,000 cfs from November 1 through March 15 annually and 1,000 cfs through May 1. If future Project operations utilize such easements, between approximately 3,000 – 5,000 acres of the areas inundated by operations under the Project EIS/EIR would be inundated post-March 15 in the Yolo Bypass, with depths, duration and last day wet differing for individual parcels and dependent upon the Sacramento River hydrology each year. DWR's flowage easement acquisition process includes acquisition of easement rights allowing for such potential future adaptive management. Prior to any change in Project operations to utilize adaptive management flowage easement rights, DWR will complete any environmental review that would otherwise be required by law absent this exemption.



**Attachment C**

(footprint of # of wet days > 1 over baseline)

