

Notice of Exemption**Appendix E**

California Department of Water Resources

Sacramento, CA 95812-3044

County Clerk

County of: Yolo625 Court Street, Room B01Woodland, CA 95695Sacramento, 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)

