

Finding of No Significant Impact and Decision: Issuance of a Special Use Permit for Increased Flows on Properties in the Yolo Bypass with Steve Thompson North Central Valley Wildlife Management Area Easements

The U.S. Fish and Wildlife Service (Service) has completed a Final Environmental Assessment (EA) which evaluates a proposal to issue a short-term special use permit to the California Department of Water Resources (DWR) which would allow for increased flows on properties in the Yolo Bypass with Steve Thompson North Central Valley Wildlife Management Area (WMA) conservation easements. The increased flows are for the purpose of implementing DWR's Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project or Project). The EA (Service 2024) is incorporated by reference as part of this finding.

Selected Action

Alternative A – Preferred Alternative

Under the Proposed Action, Alternative A, USFWS would issue a special use permit with a term of a maximum of five years to DWR to allow increased flows on properties in the Yolo Bypass where the Service has conservation easements. The increased flows would be implemented under a proposed DWR flowage easement to facilitate operation of the Big Notch Project. DWR proposes to begin operation of the Project in 2025 and continue annually based on hydrological conditions. Gate operations that will increase flows, up to 6,000 cubic feet per second (cfs), could begin each year on November 1 depending on river conditions. Gate operations could continue through March 15 of each year, based on hydrologic conditions. The gates may remain partially open after March 15 to provide adult fish passage.

USFWS recognizes the potential impacts of this amount of increased flooding over the long term on hunt club infrastructure and operations, which could impact our easement interest. USFWS is committed to working with DWR, Reclamation, and easement landowners to monitor and implement measures to support continued operations of the clubs and protect our easement interest. The five-year maximum term of the special use permit will allow USFWS to evaluate how the Big Notch Project operations increase the duration and frequency of flooding on easements, as well as plan and design measures to support continued operations of the clubs over the long-term. To accomplish this, USFWS is entering into and implementing an agreement with Reclamation for up to \$18 million, subject to available appropriations, to analyze impacts and develop actions to avoid and minimize long term impacts from the increased flooding frequency and duration due to operation of the Big Notch Project on USFWS easement interests. The USFWS also acknowledges that landowners will receive payments from DWR for the flowage easements. In addition, the USFWS will continue to work collaboratively with landowners that have USFWS Easements and the Yolo Wildlife Area, to create and implement a holistic approach to maintain migratory bird habitat within the Yolo Bypass on CDFW lands and USFWS easement properties. The implementation of this holistic approach will ensure the USFWS interests in these properties would continue to occur while maximizing, to the extent practicable, landowners' use of the properties.

This alternative was selected over the No Action Alternative because the operation of the Big Notch Project would directly benefit ESA-listed anadromous fish species which are a trust resource for USFWS and thus contribute to fulfilling the conservation, management and restoration mission of the National Wildlife Refuge System. In addition, implementation of the project is a component of the Proposed Action associated with the Endangered Species Act compliance for the Long-Term Operations of the Central Valley Project and State Water Project. The Central Valley Project is the primary water supply for several national wildlife refuges and state wildlife areas in the Central Valley, and maintenance of this water supply is essential for the long-term sustainability of these refuges and wildlife areas.

Other Alternatives Considered and Analyzed

Following is a brief description of the other alternative analyzed in the EA.

No Action Alternative

Under the No Action Alternative, USFWS would not issue a short-term special use permit to DWR to fully operate the Big Notch Project. Full Big Notch Project operations would not occur, preventing increased frequency and duration of flows onto the Steve Thompson North Central Valley WMA. The Yolo Bypass would continue to be inundated from the westside tributaries and overtopping events at Fremont and Sacramento weirs. Juvenile fish would enter the bypass with overtopping flood flows from Fremont and Sacramento weirs, and the fish would benefit from the rearing opportunities in the Yolo Bypass. Additional flow and fish would not pass through Fremont Weir when the Sacramento River elevation is below Fremont Weir or Sacramento Weir. Increased availability of floodplain fisheries rearing habitat for juvenile fish and adult fish migration opportunities resulting from full Big Notch Project operations in the Yolo Bypass would also not occur.

Summary of Effects of the Selected Alternative

An EA was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that 1) explored a reasonable range of alternatives to meet the purpose and need, and 2) evaluated potential issues and impacts to the study area. In 2019, Reclamation and DWR completed the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project Environmental Impact Statement and Environmental Impact Report (2019 YBSHRFP EIS/EIR), which analyzed the operation and construction components of the Big Notch Project. This environmental assessment is tiered from the 2019 YBSHRFP EIS/EIR.

Implementing the selected alternative would have no significant impacts on the resources analyzed in the EA. Below is a summary of the effects of implementing the selected alternative. If additional effects are identified that are outside the range of those described in the Final EA, then the Service will supplement the EA with additional analysis as appropriate.

Habitat and Vegetation

Project operations would increase the frequency and duration of flooding onto the Steve Thompson North Central Valley WMA. Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 9.3 of the EIS/EIR discusses habitat and vegetation impacts resulting from increased frequency and duration of flows and is incorporated by reference.

Fish and Wildlife Species including Special Status Species

Operation of the Big Notch Project could result in both direct and indirect effects on the fish and wildlife that use the privately managed wetland units subject to USFWS easements. The overarching Big Notch

Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Sections 9.1 and 8.1 discuss fish and wildlife, including special status species, and are incorporated by reference. In terms of direct effects, wetland units that receive flooding from Big Notch Project operations at depths greater than six inches above desired management levels (approximately 12 inches) would likely preclude dabbling ducks from foraging and reduce the value of these areas to wintering waterfowl (Taft et al. 2002; Baschuk et al. 2011). The anticipated direct impact of increased flooding on wildlife is deemed minor and short-term, as flooding at similar depths is already common in the Yolo Bypass. Except during very wet years, flooding is expected to cause only slight changes to the carrying capacity for migratory birds in the Yolo Bypass, with food resources remaining accessible in the broader Yolo Basin outside the flooded areas (Ducks Unlimited 2017).

The Proposed Action Alternative may indirectly affect wildlife if reduced hunting opportunities and higher infrastructure costs prompt hunt club owners to shut down, especially if flooding impacts persist over multiple years. The cessation of hunt club operations could negatively affect migratory bird habitat quality and availability in the Yolo Basin, impacting the waterfowl food supply and carrying capacity. Such habitat loss could harm waterfowl and other listed species, including the giant garter snake. However, limiting the term of the special use permit to a maximum of five years may avoid this outcome. During that time, USFWS proposes to work with DWR, Bureau of Reclamation (Reclamation), and landowners to address impacts and improve conditions for the operation of hunt clubs and protect easement interests.

Geology and Soils

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 12.3 discusses geology and soil impacts and is incorporated by reference.

Air Quality

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 18.3 discusses air quality and climate change impacts and is incorporated by reference.

Water Resources

Under the Proposed Action Alternative, there would be an increase in the frequency and duration of flooding onto the Steve Thompson North Central Valley WMA, compared to the No Action Alternative. Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Sections 5.3, 6.3, and 7.3 describe water resources impacts and are incorporated by reference.

Cultural Resources

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR. Section 10.3 describes cultural resources impacts and is incorporated by reference. Reclamation and DWR determined that the area of potential effects for cultural and historic properties for the Big Notch Project did not include any of the properties that have Steve Thompson North Central Valley WMA easements. In other words, implementation of the Project has no effects on cultural or historic properties in these easement areas. Consistent with Reclamation and DWR's determination (Bureau of Reclamation 2023), the Service has determined that issuance of a special use permit allowing increases in flood frequency and duration would have no effect on cultural or historic properties on Steve Thompson North Central Valley WMA easements.

Socioeconomics

Local and Regional Economies

The anticipated increase in flow frequency and duration from the Big Notch Project is expected to negatively affect the economics of local duck clubs in the Proposed Action area. Specifically, wetland units flooded beyond six inches above the desired management level (approximately 12 inches) may deter dabbling ducks from foraging, thereby diminishing the value of these areas for wintering waterfowl and reducing hunting opportunities. Additionally, increased flooding could impact waterfowl hunting infrastructure and access to properties via local roads and berms. More detailed information on the operational impacts of the Big Notch Project on conservation easements is available in Attachment D (Ducks Unlimited Impact Analysis), and further analysis can be found in Section 16.3 of the 2019 YBSHRFP EIS/EIR, which addresses local and regional economic resource impacts.

The Big Notch Project is expected to increase flooding duration in wetland units, potentially raising operational costs and reducing hunting opportunities and revenue, although clubs are likely to remain operational. Quantifying the flooding's impact on hunt clubs and revenue is challenging due to insufficient data. However, substantial effects are not anticipated during the special use permit period, as clubs have previously demonstrated resilience during periods of increased flooding (e.g. 1996 to 1999), continuing operations despite flooding. These increased costs and reduced revenue are expected to be at least partially offset by payments landowners receive from DWR for the flowage easements. As a result, no more than minor impacts on the local and regional economy are anticipated.

Environmental Justice

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 22.3 describes environmental justice impacts and is incorporated by reference. The Proposed Action does not involve activities that will cause dislocation, changes in employment, drought, or disease, or disproportionately impact economically disadvantaged or minority populations. Therefore, there will be no Environmental Justice-related effects.

Public Health and Safety

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 19.3 describes public health and safety resource impacts and is incorporated by reference.

Land Use

Big Notch Project operations are analyzed in the 2019 YBSHRFP EIS/EIR, covering the Proposed Action area. Section 11.1 discusses land use resources and is incorporated by reference. The USFWS conservation easements place restrictions on habitat alterations that would prevent most land use changes from occurring.

Recreation

The Proposed Action Alternative would result in increased flooding frequency and duration at the Steve Thompson North Central Valley WMA compared to the No Action Alternative, which is expected to impact recreation and access, particularly for waterfowl hunting. Flooding from Big Notch operations that increases water depths in hunt club wetlands above desired management levels would reduce waterfowl use of these areas, resulting in reduced hunt opportunities. Additionally, increased inundation may damage waterfowl hunting infrastructure and restrict access to properties via local roads, impacting duck clubs' usage and revenue. However, limiting the special use permit to a maximum of five years would help minimize the cumulative flooding impacts on hunt clubs with easements, thereby reducing recreational impacts.

Cumulative Impacts

Several projects and plans have been identified as having the potential to affect the same resources as the proposed project. They include flood management projects affecting the Sacramento River and the Yolo Bypass that could result in adverse or beneficial effects similar to those of the Proposed Action. Adverse impacts associated with implementation of the Proposed Action include reduced use of hunt club wetland units by wintering waterfowl, reduction in hunt opportunities, and economic effects on hunt clubs. These impacts would be minimized by limiting the term of the special use permit to a maximum of five years. Therefore, implementation of the Proposed Action is not expected to result in significant cumulative impacts, in combination with other projects, within or outside the Proposed Action area.

Public Review

The draft environmental assessment was made available for public review and comment for 30 days from July 25 to August 24, 2024. The comment period was further extended until September 1, 2024. Members of the public were notified of the availability of the draft documents which were posted on the Steve Thompson North Central Valley WMA website at: <https://www.fws.gov/refuge/steve-thompson-north-central-valley-wildlife-management-area>. Comments were submitted in writing via email to fw8plancomments@fws.gov. Attachment E to the Final EA includes responses to the substantive comments included in the four comment letters received during the public review period.

Finding of No Significant Impact

Based on review and evaluation of the information contained in the supporting references, I have determined that implementing Alternative A is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. Accordingly, the Service is not required to prepare an Environmental Impact Statement.

This Finding of No Significant Impact, Final EA, and supporting references are on file at the U.S. Fish and Wildlife Service, Pacific Southwest Region, Refuge Planning Branch, 2800 Cottage Way, Sacramento, California, 95825; and available at <https://www.fws.gov/refuge/steve-thompson-north-central-valley-wildlife-management-area>.

Decision

After reviewing the EA, the Service selected Alternative A for implementation. Alternative A best meets the purpose and need for the proposed action which is to allow increased flows from the Big Notch Project that affect our easement interests consistent with Reclamation and DWR's Endangered Species Act compliance for the Long-Term Operations of the Central Valley Project and State Water Project. A summary of Alternative A is provided above, and a more detailed description is included the Final EA (Service 2024).

Curtis McCasland,
Assistant Regional Director, Refuges
Sacramento, CA

References

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- Ducks Unlimited. 2017. Waterfowl Impacts of the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project – An effects analysis tool. Ducks Unlimited Western Regional Office, Rancho Cordova, CA.
- Taft, O.W., Colwell, M.A., Isola, C.R., Safran, R.J. 2002. Waterbird responses to experimental drawdown: implications for the multispecies management of wetland mosaics. *Journal of Applied Ecology*, 39(6), 987-1001.
- U.S. Bureau of Reclamation and California Department of Water Resources. 2019. Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project Environmental Impact Statement/Environmental Impact Report. June 7, 2019.
- U.S. Fish and Wildlife Service (Service). 2024. Environmental Assessment: Issuance of a Special Use Permit for Increased Flows on Properties in the Yolo Bypass with Steve Thompson North Central Valley Wildlife Management Area Easements. Sacramento, CA: USFWS, Pacific Southwest Region.