ADDENDUM

to the

FINAL MITIGATED NEGATIVE DECLARATION
SCH 2017122001

as prepared by the

CALIFORNIA DEPARTMENT OF FISH AND GAME

as a

LEAD AGENCY UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

June 11, 2025

I.

INTRODUCTION

The California Department of Fish and Game ("Department") has prepared this addendum to comply with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.). The Department is the "lead agency" under CEQA with respect to the Yolo Bypass Wildlife Area Habitat and Drainage Improvements Project ("Project") as the owner and manager of the Yolo Bypass Wildlife Area (YBWA). (See generally Pub. Resources Code, §§ 21102.1, subd. (d), 21069; CEQA Guidelines, § 15381; see also Cal. Code Regs., tit. 14, § 783.3, subd. (a).) [1]. The Department prepared this addendum in response to some modifications to the original Project.

The Department is lead agency under CEQA with respect to the Project because the State owns and manages the YBWA. The Department, as the lead agency under CEQA, analyzed the environmental effects of the Project in a prior Mitigated Negative Declaration (MND). The MND certified by the Department, for "Yolo Bypass Wildlife Area Habitat and Drainage Improvements" (State Clearinghouse No. 2017122001). The Department certified the adequacy of the MND under CEQA on January 29, 2018. In so doing, the Department imposed various mitigation measures for impacts to resources and concluded that Project-related impacts could be avoided or substantially lessened, such that the impacts would be less than significant. As approved by the Department, the proposed project includes five major improvements, identified as project components, that are being proposed to enhance the CDFW ability to manage wetland resources and agricultural operations within the Yolo Bypass Wildlife Area. Specific improvements include installing new water control structures, expanding canals, installing box culverts and two con-span bridges, replacing existing culverts, raising road grades, separating dual function ditches, relocating an existing water pump, and installing two new pumps.

This addendum is to address modifications to the original project that were a result of a change in flooding and drainage flow patterns and to reduce long term cost and impacts. Four of the five elements of the MND have been completed but one element will not be completed. Element 4, the cross canal pump station will not be built, and it will be replaced by passive structures to drain water from the YBWA. Additional description of the modifications to meet the objectives of the pump are described below.

Revised Project Components

Four Risers Conveyance Junction

Six Water Control Structures (WCSs) in need of repair would be removed and replaced within and adjacent to an existing water conveyance junction, sometimes referred to as

the “Four Risers.” The junction is a circular levee enclosure that currently conveys water in the four cardinal directions connecting a major intersection of the Davis Drain with an unnamed major north / south running canal. The junction is just south of Greens Lake and is bordered on the west by rice fields and to the east by managed seasonal wetlands.

The replacement WCSs would consist of high-density polyethylene (HDPE) culverts with precast concrete flashboard risers. The WCSs would also include walkways supported by timber piles to allow access to operate and maintain the WCSs. Associated WCSs would be replaced in kind with culverts ranging in size from 24-inches to 48-inches in diameter and varying lengths. The WCSs are proposed to improve management capabilities within the managed wetland units and rice fields within YBWA.

West Mace Delivery Ditch Improvement

Approximately 8,400 linear feet and 38,600 cubic yards (CY) of new ditch would be excavated parallel along an existing north/south running ditch (i.e., the West Mace Delivery Ditch) to improve conveyance of winter water to the rice fields and managed wetlands of YBWA. The West Mace Delivery Ditch Improvement would reduce management complications and, improve the ability to flood adjacent habitat and pump efficiency. This would be done by improving the West Mace Delivery Ditch capacity to convey fall and winter flows meant to flood adjacent managed seasonal wetlands and rice fields. This conveyance would allow users to reduce dependency on existing pump station referred to as the 55 Lift Pump to convey fall and winter flows.

The construction of the new ditch would include installation of nine WCSs. The WCSs would consist of HDPE culverts with precast concrete flashboard risers. WCSs would also include walkways supported by timber piles to allow access to operate and maintain the WCSs. Associated culverts would range in size from 24-inches to 48-inches in diameter and varying lengths. The WCSs are proposed to improve management capabilities within the managed wetland units and rice fields within YBWA.
In addition to the ditch improvements, approximately 400 linear feet and 300 CY would be excavated within a managed wetland to create a new swale to facilitate the flow of water to a drain leading to the Cross Canal to the south. All excavated material would be repurposed to recontour and raise the existing north/south levee road to historic elevations. Settlement and erosion have occurred along the levee road alignment resulting in low spots and uneven grade.

A new 800-linear-foot east/west running irrigation ditch would be constructed to the north of the Cross Canal. Approximately nine new WCSs would be installed along the new ditch to convey water across existing road crossings and to connect it to the Cross Canal to the south. The new WCSs would consist of HDPE pipe with precast concrete flashboard risers. WCSs would also include walkways supported by timber piles to

allow access to operate and maintain the WCSs. Associated pipes would be 24-inches to 48-inches in diameter and varying lengths.

An existing crossing over the Cross Canal located approximately 3,700 feet to the west of the Parking Lot H crossing is in need of repair. Two flap gates and four canal gates would be replaced in kind to facilitate the conveyance of water through the canal.

Parking Lot H Crossing

The existing crossing and all associated WCSs located within the Cross Canal just south of Parking Lot H would be removed. All derelict WCSs would be reused as part of the conveyance junction or West Mace Delivery Ditch Improvements or disposed of properly. Material excavated from the crossing would be repurposed to improve the existing roadways adjacent to the road and bring them back up historic elevations. Two small parking lots would be constructed along upland levees road shoulders south of the southern road of the Cross Canal. In addition, excavated material would also be used to recontour a sump that was put in as part of the original project before it was decided not to construct the proposed pump within the southeast corner of the existing rice field, just west of Parking Lot H. The berms around the sump would be removed and the sump would be filled in bringing the southeastern edge of the existing rice field to historic conditions. One WCS would be installed between the newly contoured rice field and an existing canal. The new WCS would consist of HDPE pipe with precast concrete flashboard risers. The WCS would also include walkways supported by timber piles to allow access to operate and maintain the WCSs. Associated pipes would be 48-inches in diameter. The WCS would act as a drain for the rice field.

To facilitate the drainage of flood flow between the rice fields and the managed wetlands on either side of the existing north/south roadway that runs between Parking Lot H and the Four Risers Conveyance Junction, two strategic locations have been identified as locations to convey flows. Two high-flow crossings would be constructed at these two locations These two lowered sections of the existing roadway would be surfaced with appropriately sized rock and would function as weirs that could convey lower flood stages between the rice fields on the west and the managed wetlands on the east. Culverts would also be installed under the crossings. Culverts would consist of HDPE pipe with concrete headwalls and/or riprap aprons at the inlet and outlet to reduce scour during conveyance of higher flows.

Green’s Lake Unit Delivery and Berm Improvement

Approximately 7,000 liner feet and 9,750 CY of material would be excavated to create new swale alignments in the managed wetlands southeast of Greens Lake. The swale network would improve water conveyance on and off of the wetlands to improve management capabilities within YBWA.

All excavated material would be repurposed to raise and recontour the existing east/west and north/south running levee roads along the Davis Drain and address settlement and erosion that has occurred along the road alignment. Approximately 2,700 TN of gravel would be imported to top the roadway to allow access during the winter months and prevent erosion.

OBLIGATIONS OF A LEAD AGENCY

CEQA establishes the type of environmental documentation required when changes to a project occur after an MND is certified. Specifically, Section 15164(b) of the CEQA Guidelines states that:

An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

As the Lead Agency, the Department "must consider the environmental effects of the project as shown" in the Final MND. Such consideration must presume the adequacy of the conclusions reached in the Final MND regarding the significant environmental effects of the Project. (*Laurel Heights Improvement Association*, *supra*, 6 Cal.4th at 1130.) As discussed in more detail below, however, because any such changes do not rise to the level of change requiring preparation of a subsequent MND, the Department may properly prepare an addendum to the Final MND as required by CEQA Guidelines section 15164. (See also *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, 1552; *River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal.App.4th 154, 177.)

CONSIDERATION OF PROJECT CHANGES, CHANGED CIRCUMSTANCES AND POTENTIALLY SIGNIFICANT NEW INFORMATION

The Department has considered the environmental effects of the discretionary decisions addressed by the Final MND. Notwithstanding the Department's obligation to make independent findings under CEQA, the Department's consideration is nonetheless constrained by the legal presumption that the conclusions reached in the Final MND regarding the significant environmental effects of the project are adequate. (*Laurel Heights Improvement Association*, *supra*, 6 Cal.4th at p. 1130.) That presumption is tempered, however, by a number of issues related to the Project that may reflect changes to the project, changed circumstances, or potentially significant new information. Each of these issues is addressed below in detail.

In considering the issues set forth below that may reflect project changes, changed circumstances, or potentially significant new information, the Department need not prepare a subsequent MND unless it concludes, based on substantial evidence in light of the whole record, that any of the three conditions in CEQA Guidelines section 15162, subdivision (b), are present. Stated another way, a subsequent MND is not required under CEQA where substantial evidence in light of the whole record supports the Department's determination that none of the following conditions are present:

(1) Substantial changes are proposed to the Project that will require major revisions of the Final MND due to the involvement of the new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the Project is undertaken that will require major revisions of the Final MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Department certified the Final MND, shows any of the following:

    (A) The project will have one or more significant effects not discussed in the Final MND;

    (B) Significant effects previously examined will be substantially more severe than shown in the Final MND;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(CEQA Guidelines, § 15164, subd. (a)(1)-(3).)

Based on the preceding legal standards, the inquiry that follows considers whether the issues detailed below reveal previously undisclosed significant environmental impacts or a substantial increase in the severity of previously disclosed impacts. (*Id.*, §§ 15162, 15163, 15164, subd. (a).)

The Department finds adherence to and implementation of the conditions of Project approval, as well as adherence to and implementation of the conditions of approval imposed by the MND and accompanying permits will avoid or reduce the potential for such effects to below a level of significance. The Department has determined that the CEQA review is sufficient and will not require preparation of a subsequent MND.

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Date 6/12/2025

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