



980 NINTH STREET, SUITE 1500  
SACRAMENTO, CALIFORNIA 95814  
HTTP://DELTACOUNCIL.CA.GOV  
(916) 445-5511

## DELTA STEWARDSHIP COUNCIL

*A California State Agency*

March 8, 2017

**Chair**  
Randy Fiorini

**Members**

Frank C. Damrell, Jr.  
Patrick Johnston  
Susan Tatayon  
Skip Thomson  
Ken Weinberg  
Michael Gatto

Karen Enstrom, Chief of Yolo Bypass Habitat Restoration Branch  
Division of Environmental Services  
California Department of Water Resources  
3500 Industrial Blvd.  
West Sacramento, CA 95691

**Executive Officer**  
Jessica R. Pearson

**RE: Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of a Draft Initial Study/ Environmental Assessment for the Fremont Weir Adult Fish Passage Modification Project in Yolo County**

Dear Ms. Enstrom:

Thank you for the opportunity to review and comment on the Department of Water Resources' (DWR) and the United States Department of Interior, Bureau of Reclamation's (Reclamation) Draft Initial Study and proposed Mitigated Negative Declaration (IS/MND) / Environmental Assessment (EA) for the Fremont Weir Adult Fish Passage Modification Project located in Yolo County. The document states that the IS/MND/EA proposes to:

- Modify the existing Fremont Weir fish ladder to provide improved upstream passage for salmonids and sturgeon when the Sacramento River overtops Fremont Weir and immediately after the Sacramento River recedes below Fremont Weir.
- Improve fish passage conditions in the channel that extends from the existing fish ladder upstream to the Sacramento River.
- Improve fish passage conditions in the scour channel that extends from the existing fish ladder downstream to an existing deep pond.
- Remove one earthen agricultural road crossing and replace one earthen agricultural road crossing with a structure that allows for improved fish passage through the Tule Canal and continued roadway access.

This project appears to support the National Marine Fisheries Service's 2009 *Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project* (NMFS BiOps) Reasonable and Prudent Alternative Action I.7 for the reduction in migratory delays and loss of salmon, steelhead, and sturgeon at Fremont Weir and other structures in the Yolo Bypass. It also is one of the component projects under the California EcoRestore initiative to restore 30,000 acres of habitat restoration.

---

*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054

Karen Enstrom, Chief of Yolo Bypass Habitat Restoration Branch  
Division of Environmental Services  
California Department of Water Resources  
March 8, 2017  
Page 2

In the 2009 Delta Reform Act, the Delta Stewardship Council was charged to develop and implement the Delta Plan; a comprehensive, legally enforceable, long-term management plan for the Delta. The Delta Plan is comprised of 14 policies and 73 recommendations on how the Delta should be managed. In chapter 4 of the Delta Plan, policy ER P3 *Protect Opportunities to Restore Habitat* states, “within the priority habitat restoration areas depicted in Appendix 5 of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%205.pdf>), significant adverse impacts to the opportunity to restore habitat as described in section 5006, must be avoided or mitigated”. The Yolo Bypass is one of these priority restoration areas. It appears this policy is supported by the following described outcomes from the project’s IS/MND/EA:

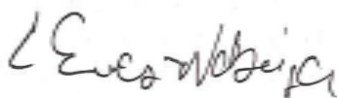
- Net gain of aquatic garter snake habitat of 0.04 acres.
- An increase in aquatic habitat for the western pond turtle and improved habitat connectivity.
- Compensation of habitat impacts by the purchase of mitigation credits from an approved mitigation bank in coordination with NMFS and USACE.

In addition, the Delta plan recommendation ER R2 provides input that DWR prioritize and implement habitat restoration projects in the priority restoration areas to improve fish passage. This proposed project helps fulfil this recommendation.

The Council is supportive of projects that help achieve the coequal goals of a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. As another state agency committed to improving California’s water supply reliability and the health of the Delta ecosystem, the Delta Stewardship Council recognizes DWR’s and Reclamation’s efforts to improve upstream passage of aquatic species and linkage to the Sacramento River. This effort is one piece in a mosaic of actions that will support the State’s coequal goals. The Council is happy to continue to coordinate with and provide assistance to DWR and Reclamation to successfully implement the Fremont Weir Adult Fish Passage Modification Project in the Yolo Bypass.

If you have any questions or would like to discuss the comments presented here, please feel free to contact me or my staff, Anthony Navasero at [Anthony.Navasero@deltacouncil.ca.gov](mailto:Anthony.Navasero@deltacouncil.ca.gov) or (916) 445-5471.

Sincerely,



Cassandra Enos-Nobriga  
Deputy Executive Officer  
Delta Stewardship Council