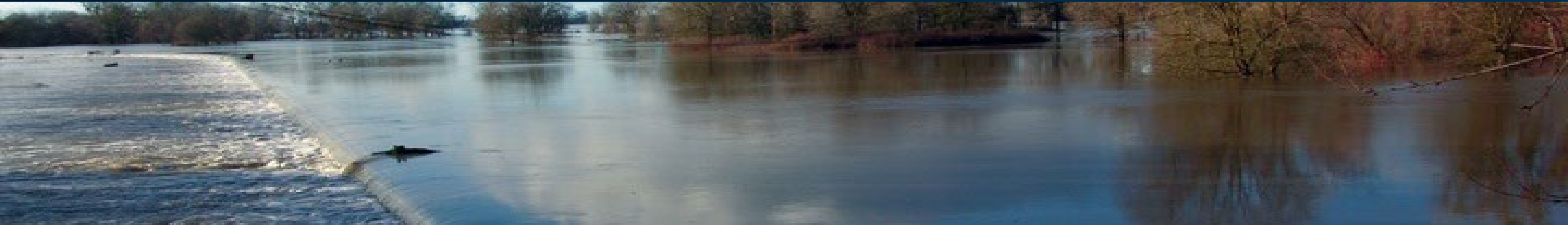


# YOLO BYPASS SALMONID HABITAT RESTORATION & FISH PASSAGE (BIG NOTCH) PROJECT CONSIDERATION OF RESOLUTIONS OF NECESSITY

April 20, 2022



CALIFORNIA DEPARTMENT OF  
WATER RESOURCES

Liz Vasquez, PM  
Rachel Taylor, Attorney

# Public Use (CCP § 1245.230(a))

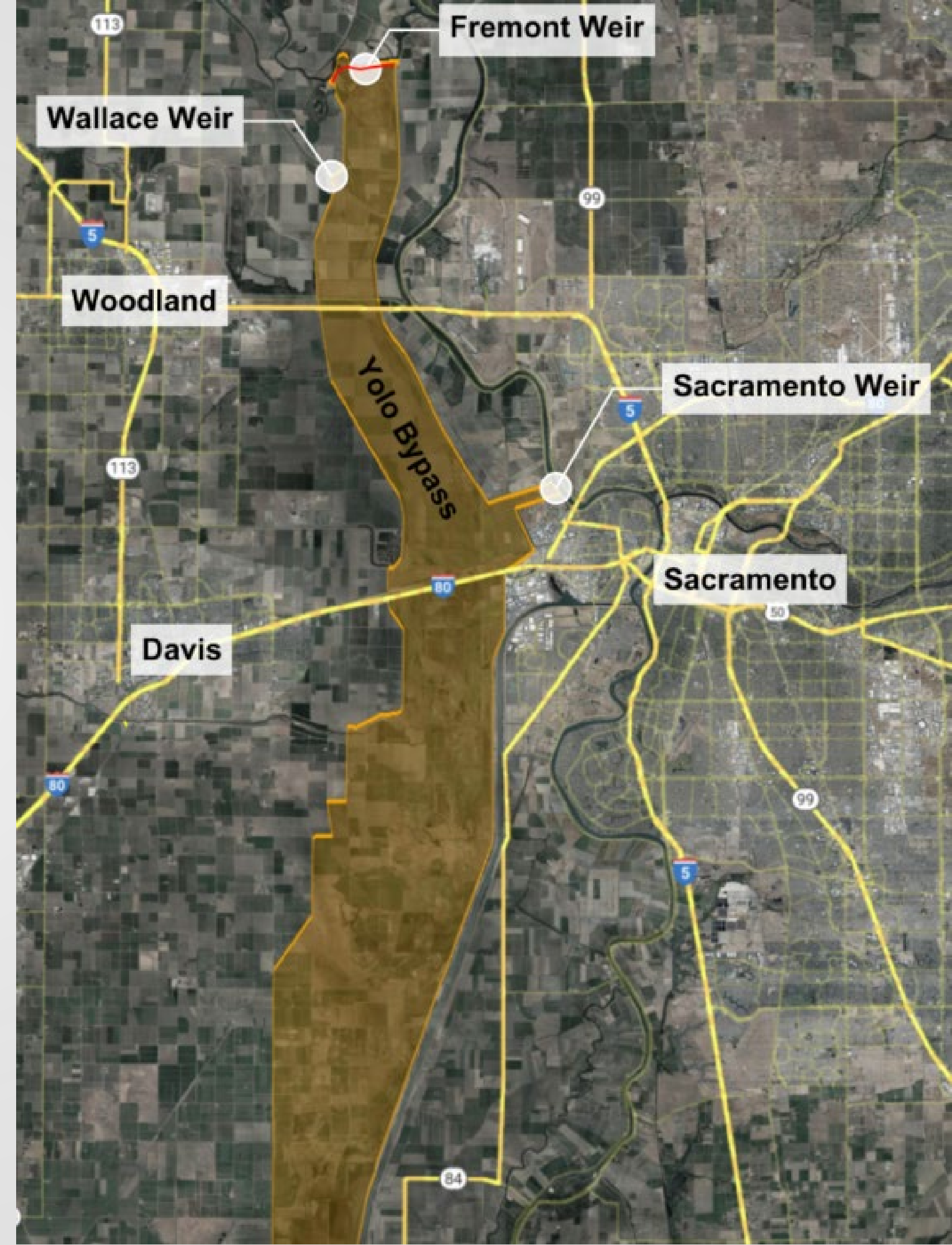
A general statement of the public use for which the property is to be taken.

The Project will enhance floodplain rearing habitat and fish passage in the Yolo Bypass and is required for the long-term coordinated operations of the State Water Project and Central Valley Project.

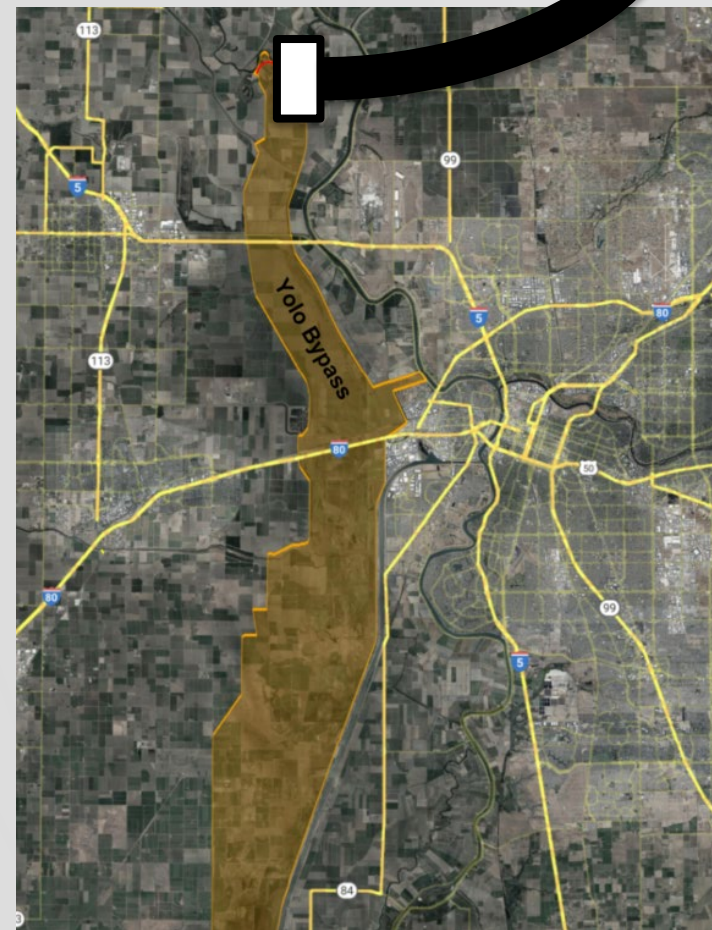


# Project Description (CCP § 1245.230(a))

- Fremont Weir
  - Originally constructed 1924
  - 1.8-mile-long concrete passive weir and apron
  - State Plan of Flood Control facility
  - Diverts flood water into the Yolo Bypass
  - Disconnects the Sacramento River and the floodplain during fish migration periods
- Proposed BNP includes excavated channels and a gated headworks that reintroduce the connection for fisheries purposes.



# Project Location

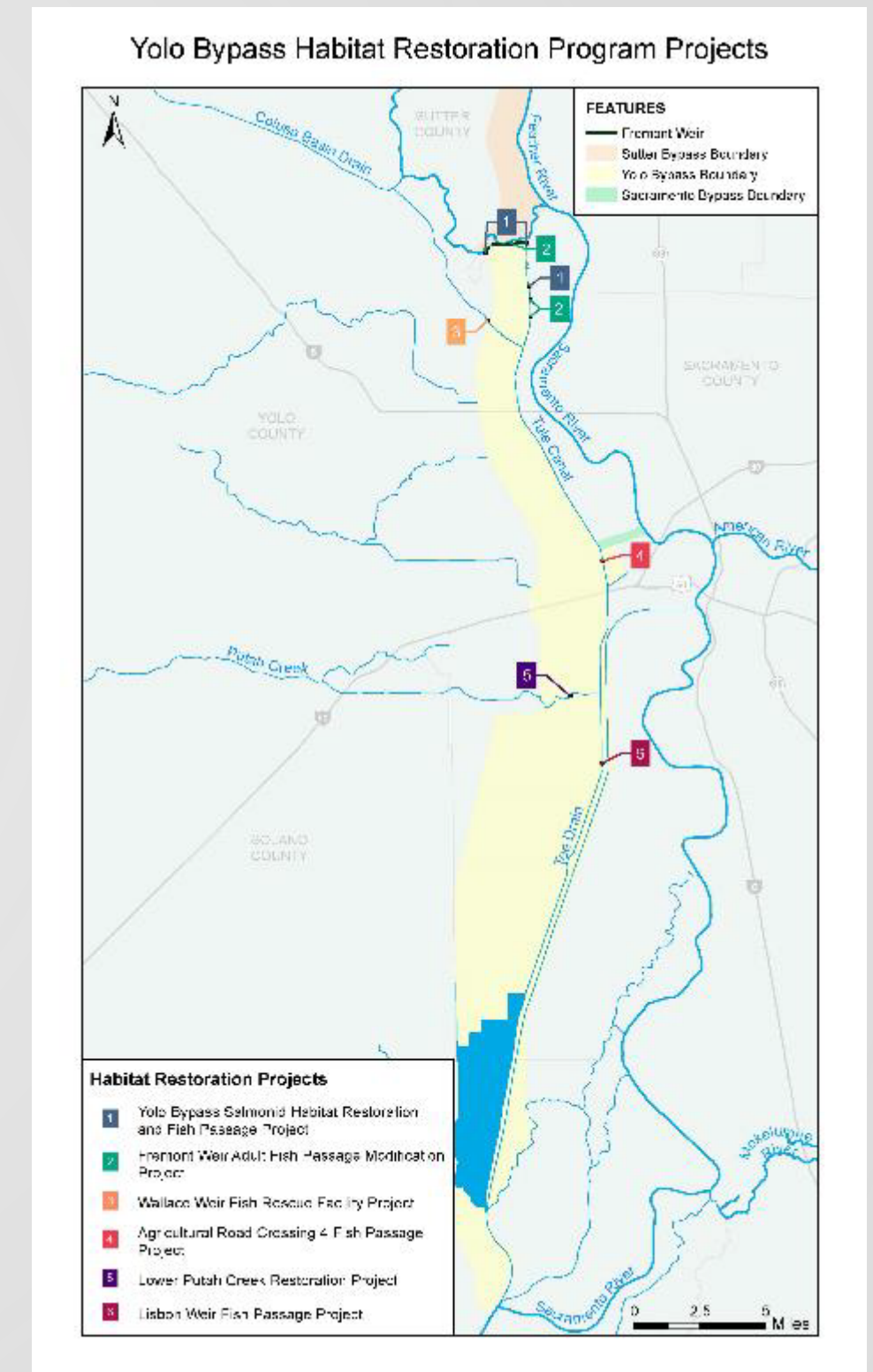


# Project Necessity (CCP § 1245.230(c)(1))

The public interest and necessity require the proposed project.

The Big Notch Project was designed by the Department of Water Resources and the United States Bureau of Reclamation to achieve compliance with Reasonable and Prudent action I.6.1 and partial compliance with RPA action I.7 of the National Marine Fisheries Service's 2009 Biological Opinion and Conference Opinion on the Long-term Operations of the Central Valley Project and the State Water Project. 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, and is necessary for the continued long-term operations of the State Water Project;

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), issued March 31, 2020, by the California Department of Fish and Wildlife.



# Project Design (CCP § 1245.230(c)(2))

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Alternative 1 - East Side Gated Notch

Operation Period: November 1 – March 15

Three of the six alternatives studied, incl. Alternative 1, were developed through coordination with various partners, including but not limited to:

U.S. Bureau of Reclamation

U.S. Fish and Wildlife Service

NOAA - Fisheries

NMFS

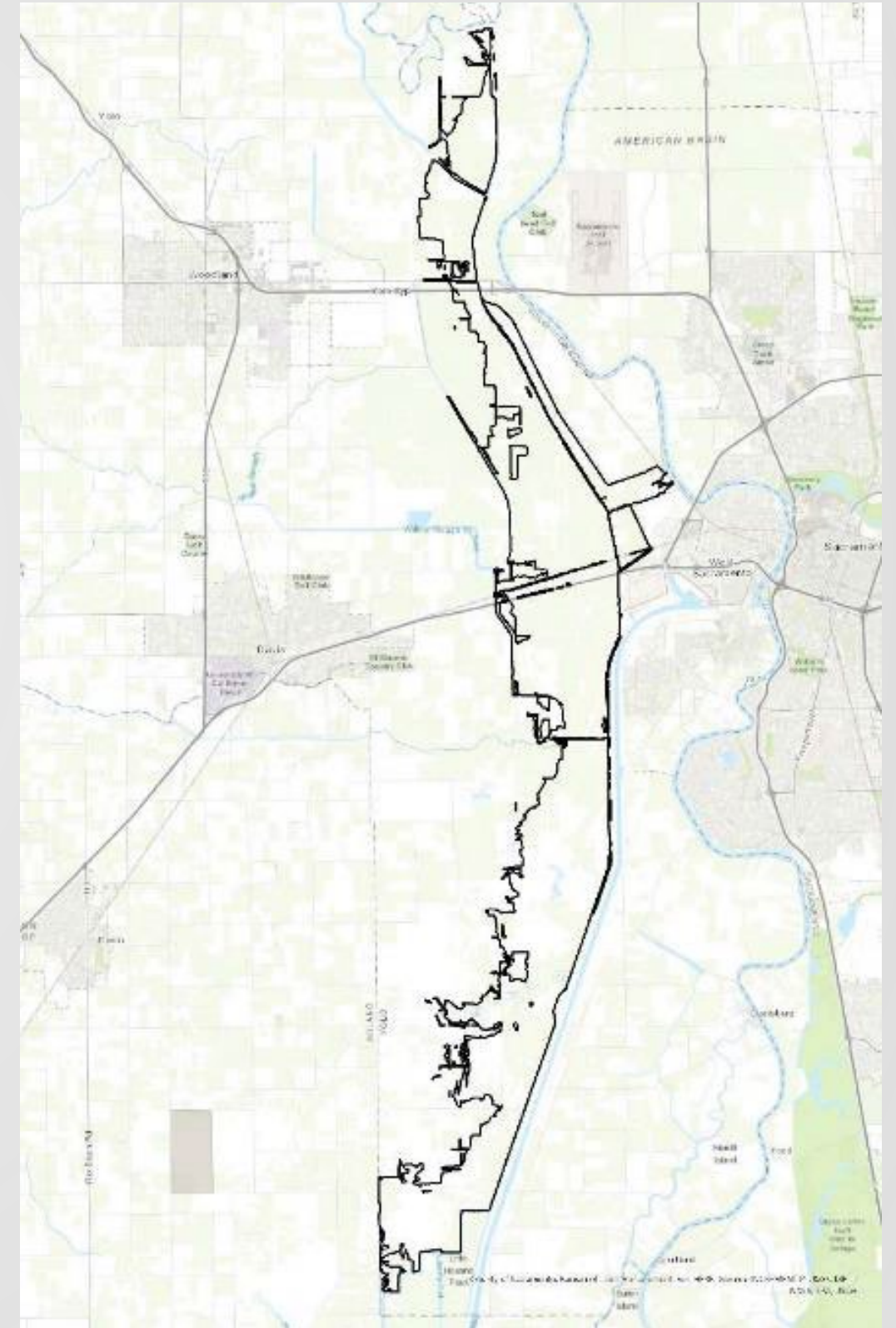
Army Corps of Engineers

California Department of Fish & Wildlife

Yolo County

Landowners

Non-Governmental Organizations



# Environmental Compliance

- **July 19, 2019** - Department certified the Project Environmental Impact Statement/Environmental Impact Report and filed a Notice of Determination (SCH# 2013032004) in compliance with the California Environmental Quality Act.
- **September 19, 2019** - Reclamation issued the Record of Decision in compliance with the National Environmental Policy Act.
- **March 11, 2022** – Department filed the Notice of Exemption with the County of Yolo, in compliance with Public Resources Code § 21080.28, which provides a CEQA exemption to allow acquisition of properties for restoration purposes.



# DWR Eminent Domain Authority

Reference to the statute that authorizes the public entity to acquire the property by eminent domain. CCP § 1245.230(a).

DWR is seeking flowage easements for the purpose of fish passage as required mitigation for the long-term operations of the State Water Project.

DWR has authority under Water Code §§ 250, 253, 258, 11575 and 11580 to acquire property rights required and necessary for the operation of the State Water Project. California Code of Civil Procedure § 1240.510 allows for condemnation of property already dedicated to a public use, for a compatible public use. California Code of Civil Procedure § 1240.220 allows for taking for future use within a period of time as is reasonable.

California Code of Civil Procedure §§ 1245.210 and 1245.220 requires DWR to obtain a Resolution of Necessity from the Commission, as the appropriate governing body.

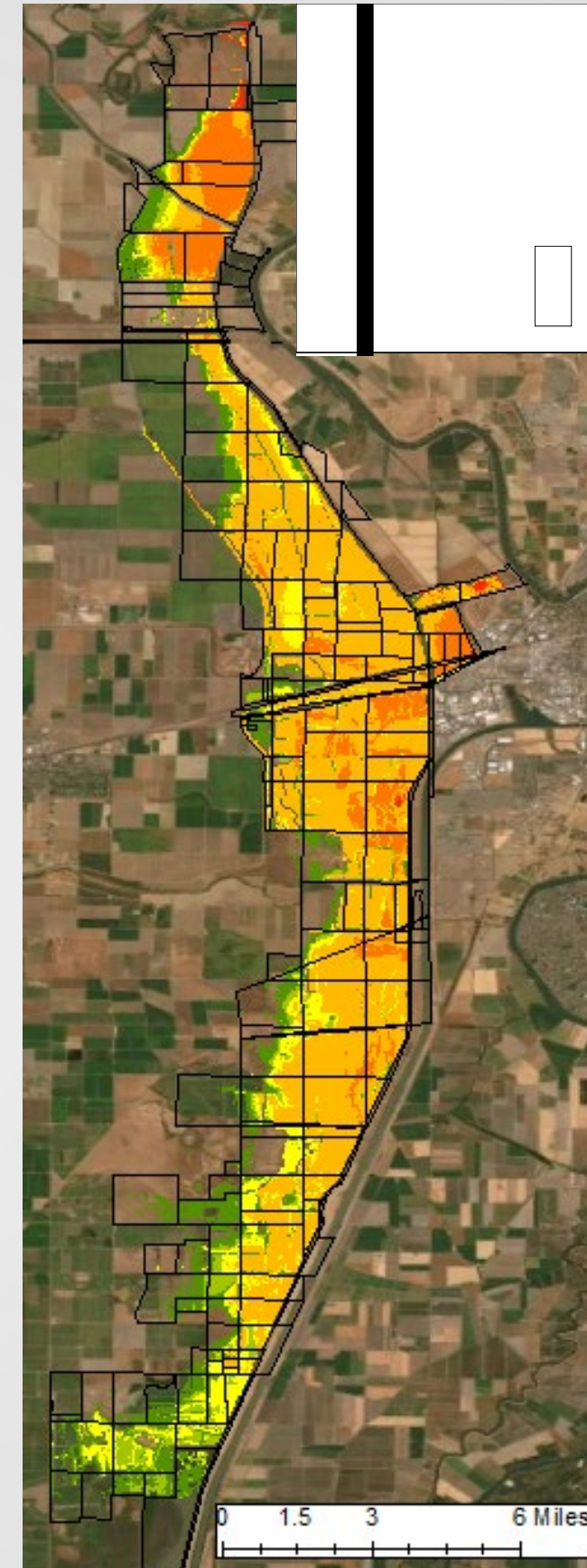




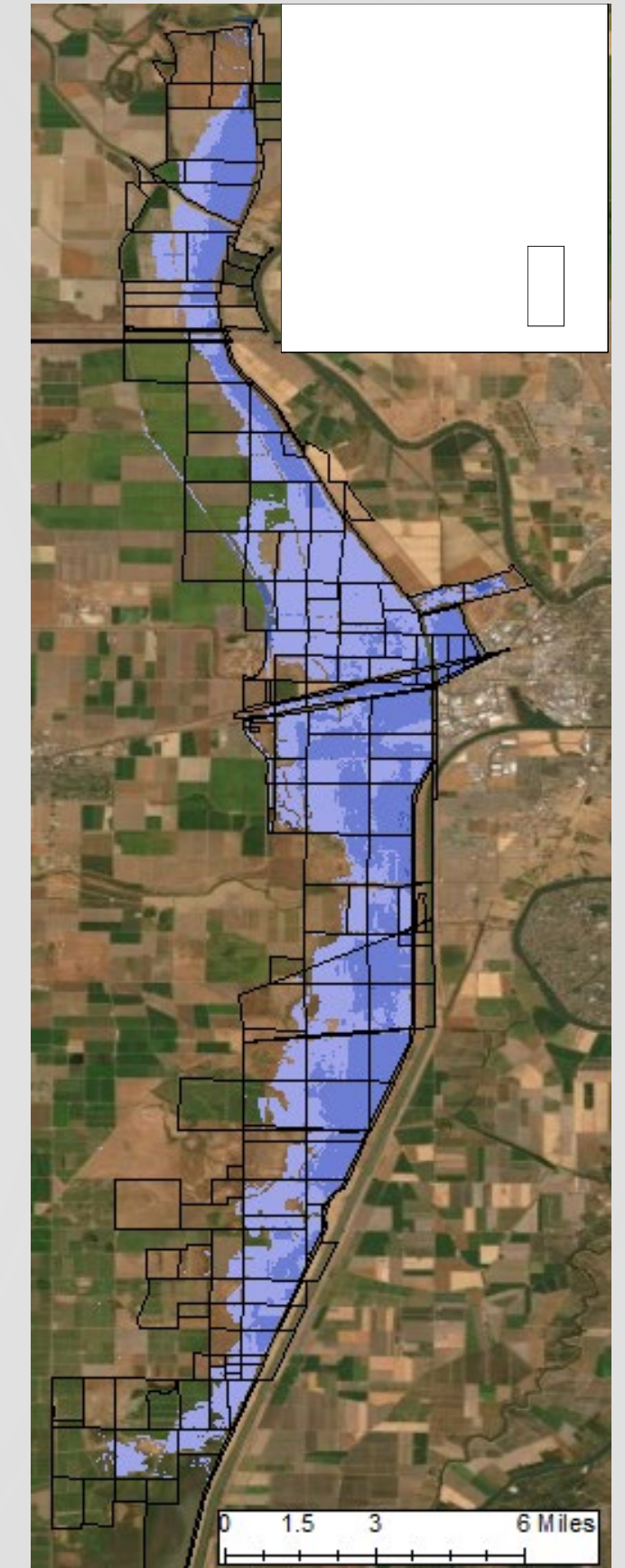
# Properties Impacted (CCP § 1245.230(c)(3))

The property described in the resolution is necessary for the proposed project.

- Impacts modeled using TUFLOW (inundation model):
  - 16 water years from 1997 to 2012
  - Figures averaged over those years
  - Analysis based on difference in wetted days and depth of water



Average Difference in Wetted Days



Average Difference in Depth (ft)



# Example

## Yolo Bypass Big Notch Project

APN: 008-010-013

Owner: PATRICK REALTY CORP.

Parcel area: 3.0 acres

Area within YB: 1.8 acres

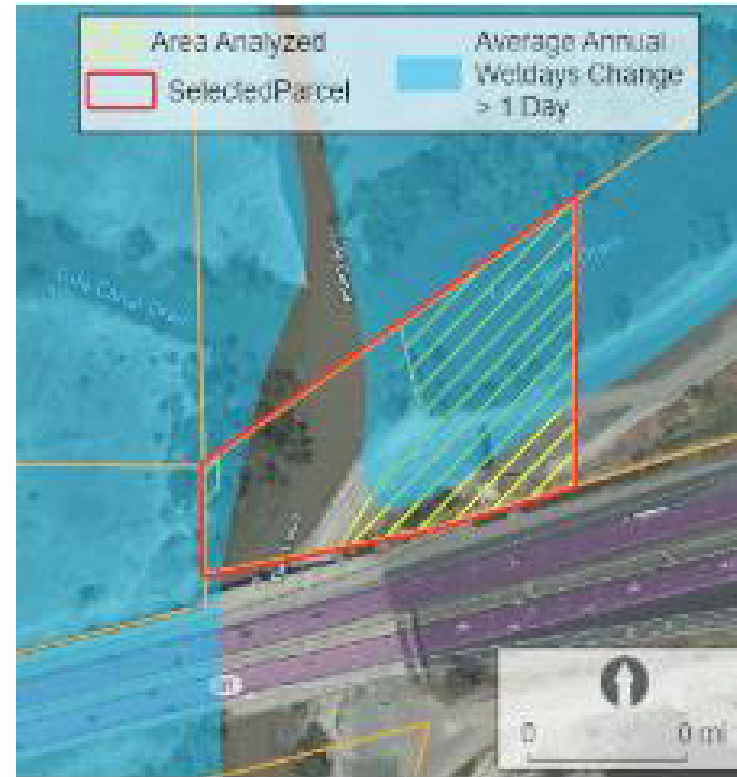
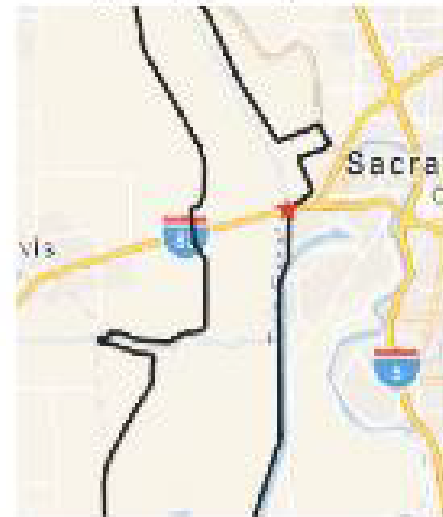
Annual wetted-days

Current: 158.2

Project: 162.2

Change: 4.1

Average depth change: 0.6



Water Year	Last Day Wet <sup>1</sup>		Wetdays <sup>1</sup>		Average Depth (ft)		
	Current	Project	Current	Project	Daily Change <sup>2</sup>	Current	Project
1997	06-30	06-30	178	180	0.3	4.7	4.8
1998	06-30	06-30	211	212	0.3	5.3	5.5
1999	06-26	06-28	178	188	1.2	3.4	4.2
2000	06-30	06-30	153	153	0.6	3.8	4.2
2001	06-29	06-30	133	136	0.4	1.5	1.8
2002	06-30	06-30	164	168	0.5	1.9	2.2
2003	06-30	06-30	188	180	0.8	3.0	3.8
2004	06-30	06-30	178	178	0.6	3.4	3.8
2005	06-30	06-30	242	242	0.2	3.0	3.2
2006	06-30	06-30	198	200	0.3	5.5	5.7
2007	04-21	05-08	139	147	0.6	0.8	1.2
2008	05-01	05-01	110	111	0.4	2.3	2.6
2009	04-17	06-07	63	71	1.0	1.6	2.4
2010	06-01	06-02	127	129	0.6	2.7	3.1
2011	06-30	06-30	204	205	0.7	3.4	3.9
2012	05-18	05-18	63	86	0.9	1.0	1.5

<sup>1</sup> Parcels are classified wet if 35% or more of a parcel area is wet to ignore shallow standing water

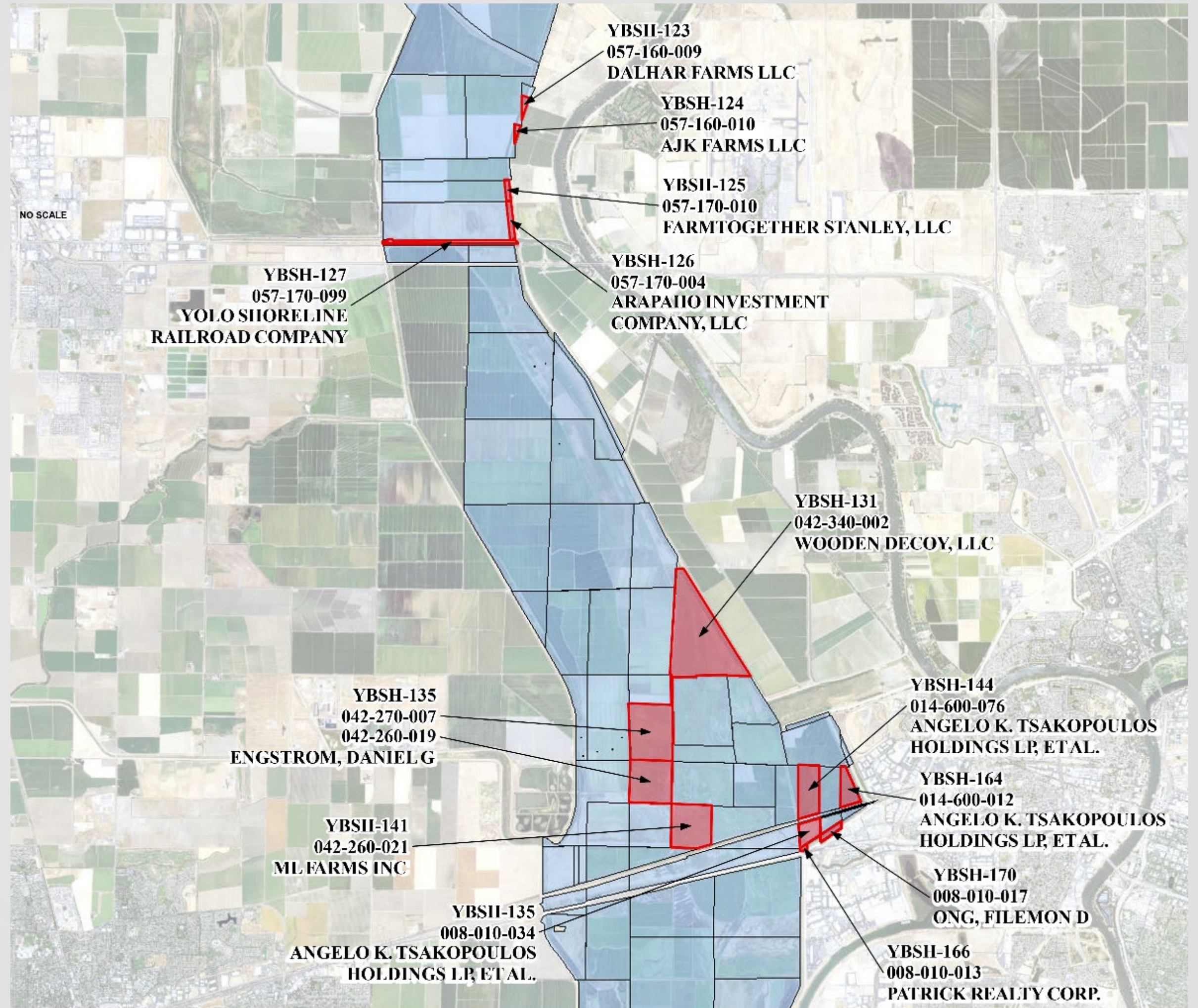
<sup>2</sup> Daily change is calculated for pixels and then averaged and may not be equal to project - current

	Monthly Average				Monthly Average Percent Area (%)													
	Depth (ft)		Wetdays		Dry		< 6 in		6-12 in		12-18 in		18-24 in		24-36 in		>36 in	
	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project	Current	Project
November	1.2	1.2	4.9	4.9	92.4	92.2	2.5	2.2	1.0	0.8	0.5	1.2	2.2	2.2	1.6	0.9	0.0	0.4
December	2.6	3.3	16.2	16.8	73.5	71.6	2.7	1.9	3.0	2.2	2.9	2.1	3.5	3.5	5.4	5.1	8.9	13.6
January	4.5	4.9	22.8	23.2	59.0	57.5	3.2	2.4	4.2	3.3	3.8	1.5	2.2	2.4	2.5	4.4	25.0	28.4
February	4.1	4.5	25.4	26.3	50.9	48.0	2.8	3.0	5.0	3.5	4.7	4.0	2.5	2.2	7.4	5.9	26.7	33.5
March	3.8	4.1	30.1	30.4	48.1	46.5	5.6	3.5	6.6	5.4	4.3	4.8	3.9	3.7	5.6	5.6	25.8	30.6
April	3.1	3.3	25.4	26.0	56.4	54.9	8.5	8.3	4.3	3.8	4.3	3.4	4.4	3.1	5.1	5.5	17.2	20.9
May	2.2	2.6	17.2	15.2	72.5	70.2	6.0	6.0	3.5	3.5	2.3	1.3	2.7	2.1	4.0	3.8	9.1	13.1
June	1.7	1.7	16.1	16.3	74.2	73.8	6.5	6.6	4.9	5.0	4.5	4.2	2.5	2.6	3.2	3.3	4.2	4.4

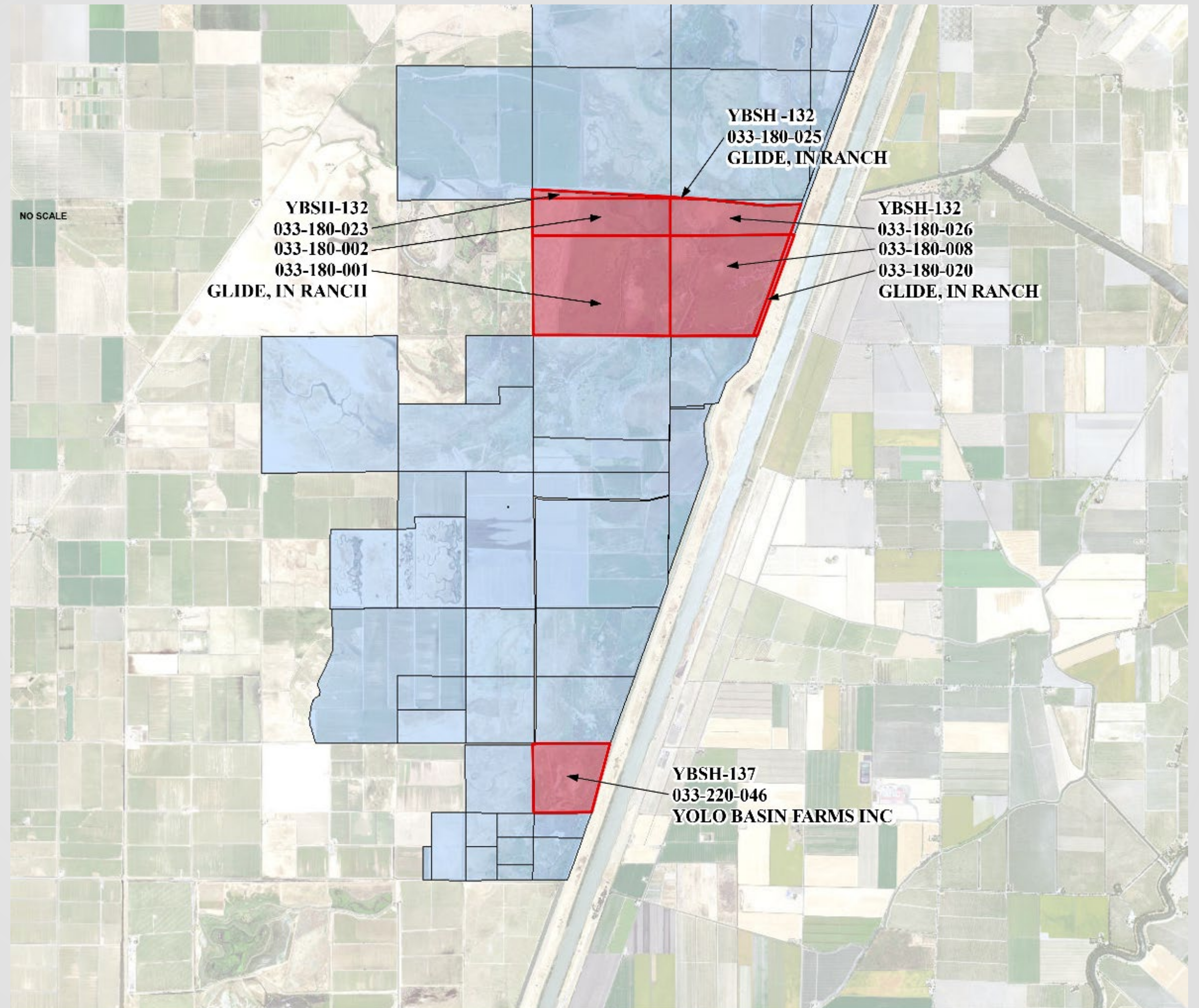
All information provided by the Department of Water Resources made available to provide immediate access for those with need of immediate parcels. While the Department believes the information to be reliable, human or mechanical error is a possibility. Therefore, the Department does not guarantee the accuracy, completeness, timeliness, or correct sequencing of the information. Neither the Department of Water Resources nor any of the sources of the information shall be responsible for any errors or omissions, or for the use or results obtained from the use of this information.



# Properties in Relation to the Project



# Properties in Relation to the Project



# 9A. Yolo Basin Farms, Inc.

**Owner of Record:** Yolo Basin Farms, Inc., a California Corporation

APN(s): 033-220-046

DWR Parcel Number: YBSH-137

Approximate Acres: 158.06

**First Written Offer (Govt. Code § 7267.2):** December 16, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holder:** Wildlife Conservation Board

**Notice of Intent to Acquire (CCP § 1240.055(c)):** November 9, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022



# 9B. Daniel G. Engstrom, et al

**Owner of Record:** Daniel G. Engstrom, a married man as his sole and separate property, as to an Undivided 50% Interest and Loki Investments, LLC, A California Limited Liability Company, as to an Undivided 50% Interest

APN(s): 042-260-019 and 042-270-007

DWR Parcel Number: YBSH-135

Approximate Acres: 361.98

**First Written Offer (Govt. Code § 7267.2):** December 24, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holder:** US Fish and Wildlife Service

**Notice of Intent to Acquire (CCP § 1240.055(c)):** December 24, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022



# 9C. Filemon D. Ong

**Owner of Record:** Filemon D. Ong

APN(s): 008-010-017

DWR Parcel Number: YBSH-170

Approximate Acres: 12.57

**First Written Offer (Govt. Code § 7267.2):** December 24, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022



# 9D. Glide In Ranch

**Owner of Record:** Glide In Ranch Inc.

APN(s): 033-180-001, -002, -008, -020, -023, -025, -026

DWR Parcel Number: YBSH-132

Approximate Acres: 1,195.41

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holders:** US Fish and Wildlife Service and National Resources Conservation Service (separate easements, not overlapping)

**Notice of Intent to Acquire (CCP § 1240.055(c)):** October 28, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022





# 9E. FarmTogether Stanley

**Owner of Record:** FarmTogether Stanley, LLC, a Delaware Limited Liability

APN(s): 057-170-010 (portion)

DWR Parcel Number: YBSH-125

Approximate Acres: 8.76

**First Written Offer (Govt. Code § 7267.2):** December 24, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holders:** Yolo Land Trust

**Notice of Intent to Acquire (CCP § 1240.055(c)):** December 24, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022



# 9F. ML Farms Inc.

**Owner of Record:** M.L. Farms Inc.

APN(s): 042-260-021

DWR Parcel Number: YBSH-141

Approximate Acres: 155.93

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holders:** US Fish and Wildlife Service

**Notice of Intent to Acquire (CCP § 1240.055(c)):** December 23, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022



# 9G. AJK Farms, LLC

**Owner of Record:** AJK Farms, LLC

APN(s): 057-160-010 (portion)

DWR Parcel Number: YBSH-124

Approximate Acres: 5.04

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022



# 9H. Dalhar Farms, LLC

**Owner of Record:** Dalhar Farms, LLC

APN(s): 057-160-009 (portion)

DWR Parcel Number: YBSH-123

Approximate Acres: 7.67

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022



# 9I. Angelo K. Tsakopoulos Holdings LP, et al.

**Owner of Record:** AKT Holdings, LP et al

APN(s): 008-010-034, 014-600-012 and 014-600-076

DWR Parcel Number: YBSH-144, YBSH-164, YBSH-165

Approximate Acres: 176.11

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holders:** California Waterfowl Association

**Notice of Intent to Acquire (CCP § 1240.055(c)):** December 23, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022



# 9J. Yolo Shortline Railroad Company

**Owner of Record:** Yolo Shortline Railroad

APN(s): 057-170-099 (portion)

DWR Parcel Number: YBSH-127

Approximate Acres: 43.26

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022



# 9K. Arapaho Investment Company, LLC

**Owner of Record:** Arapaho Investment Company, LLC

APN(s): 057-170-004 (portion)

DWR Parcel Number: YBSH-126

Approximate Acres: 15.69

**First Written Offer (Govt. Code § 7267.2):** December 23, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022



# 9L. Wooden Decoy, LLC

**Owner of Record:** Wooden Decoy, LLC

APN(s): 042-340-002

DWR Parcel Number: YBSH-131

Approximate Acres: 382.74

**First Written Offer (Govt. Code § 7267.2):** December 24, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

**Conservation Easement Holders:** US Fish and Wildlife Service

**Notice of Intent to Acquire (CCP § 1240.055(c)):** December 24, 2021

**Notice of RON Hearing (CCP § 1240.055(c)):** March 24, 2022





# 9M. Patrick Realty Corp.

**Owner of Record:** Patrick Realty Corp.

APN(s): 008-010-013

DWR Parcel Number: YBSH-166

Approximate Acres: 2.96

**First Written Offer (Govt. Code § 7267.2):** December 24, 2021

Notice of Informational Hearing (CWC Procedures): February 18, 2022

**Notice of RON Hearing (CCP § 1245.235):** March 24, 2022

