Chapter 12
Terrestrial Biological Resources

12.0 Readers' Guide and Summary

12.0.6 Summary of Effects

12.0.6.2 Comparison of the Effects of the Alternatives

Effects on Wetlands and Other Waters of the United States

The estimated area of fill of wetlands and other waters of the United States potentially under jurisdiction of the U.S. Army Corps of Engineers (jurisdictional waters) would be largest under Alternative 9 (Table 12-ES-3). Fill of jurisdictional waters would be relatively ~~greater under the west alignment alternatives than under the east alignment or pipeline/tunnel alternatives~~similar under the east, west, and modified pipeline/tunnel alignments and substantially less under the pipeline tunnel alternatives (1A, 2A, and 6A). ~~The fill under the east alignment and pipeline/tunnel alternatives would be largely overlapping.~~ Of these alternatives, the fill would be largest under Alternative ~~4~~ 2B~~with the use of 6-foot high RTM storage sites~~. ~~However, if 10-foot-high storage sites were used (see Chapter 3, Section 3.6.1.2, *Conveyance Facilities*), Alternative 4 would result in the least fill of potential jurisdictional wetlands (Table 12-ES-3)~~. Under Alternatives 2D, 4, 4A, and 5A ~~a~~ larger areas of nonwetland waters of the United States would be filled t~~han under the other pipeline/tunnel alternatives.~~ due to work in Clifton Court Forebay; however, the forebay would ultimately expand by 450 acres and thus largely offset any losses there. Implementing Alternative 5 would result in the least fill of nonwetland waters of the United States.

Under the No Action Alternative, there would be no water conveyance facilities construction effects on jurisdictional wetlands and other waters of the United States. Also, there would be no restoration, protection, and enhancement of jurisdictional wetlands resulting from the BDCP's other conservation measures. Jurisdictional wetlands could increase in area and habitat value under several programs that are under way or in the planning stages to increase wetlands and riparian natural communities in the absence of a BDCP. The potential exists for levee deterioration and repairs, global climate change and associated sea level rise, and seismic activity that damages levees to result in substantial loss of jurisdictional wetlands.

Table 12-ES-3. Fill of Wetlands and Other Waters of the United States from Construction of Water Conveyance Facilities (CM1) (acres)

Alternative[a]	Wetlands	Other Waters of the U.S.	Total Waters of the U.S.
1A	142	284	426
1B	317	486	803
1C	317	482	799
2A	144	304	448
2B	330	525	855
2C	317	482	799
2D[b]	299	527	827
3	134	242	376
4[b]	284	491	775
4A[b]	284	491	775
5	134	221	355
5A[b]	281	470	750
6A	142	284	426
6B	317	486	803
6C	317	482	799
7	139	250	389
8	139	250	389
9[c]	231	776	1,007

[a] Dark shading= pipeline/tunnel, light shading = east alignment, no shading =west alignment and separate corridors (Alternative 9)

[b] Additional temporary impact of 1931 acres to Clifton Court Forebay due to dredging

[c] Additional temporary impact of 669 acres to tidal channel, forest, scrub-shrub, and emergent wetland due to dredging effects

~~Alternative[a,b]~~	~~Wetlands~~	~~Other Waters of the U.S.~~	~~Total Waters of the U.S.~~
~~1A~~	~~89~~	~~264~~	~~353~~
~~1B~~	~~84~~	~~469~~	~~553~~
~~1C~~	~~135~~	~~498~~	~~633~~
~~2A~~	~~89~~	~~264~~	~~353~~
~~2B~~	~~84~~	~~469~~	~~553~~
~~2C~~	~~135~~	~~501~~	~~636~~
~~3~~	~~81~~	~~221~~	~~303~~
~~4 (6 foot)[c, d]~~	~~109~~	~~373~~	~~482~~
~~4 (10 foot)[d, e]~~	~~47~~	~~293~~	~~339~~
~~5~~	~~81~~	~~201~~	~~281~~
~~6A~~	~~89~~	~~264~~	~~353~~
~~6B~~	~~84~~	~~469~~	~~553~~
~~6C~~	~~135~~	~~498~~	~~633~~
~~7~~	~~86~~	~~231~~	~~317~~
~~8~~	~~86~~	~~231~~	~~317~~
~~9[f]~~	~~465~~	~~584~~	~~1,050~~

~~Notes:~~

~~[a] Fill includes both permanent and temporary effects.~~

~~[b] Dark shading = pipeline/tunnel, light shading = east alignment, no shading = west alignment and separate corridors (Alternative 9).~~

~~[c] Alternative 4 is designed with RTM storage sites 6 feet in height.~~

~~[d] Alternative 4 includes 2,026 acres of dredging effects on Clifton Court Forebay not shown in the table.~~

~~[e] Estimated acreages affected if RTM storage sites are 10 feet high.~~

~~[f] Alternative 9 includes channel dredging of 517 acres of open water in Middle River and Victoria and North Canals not shown in the table.~~

12.1 Environmental Setting/Affected Environment

12.1.2 Land Cover Types

12.1.2.2 Special-Status and Other Natural Communities

Twelve of the natural community types occurring in the study area are, for the purposes of this EIR/EIS, identified as special-status natural communities. These communities are considered special status because they include specific vegetation alliances that are recognized by CDFW as of limited distribution statewide or within a county or region (CNDDB Rank of S1–S3), or because they require focused analysis under these federal and state laws and regulations:

- California Environmental Quality Act (CEQA).
- Section 1602 of the California Fish and Game Code.

- Section 404 of the Clean Water Act (CWA).
- California's Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

These laws and regulations are discussed in Section 12.2, *Regulatory Setting*. Special-status natural communities may be of special concern to resource agencies and conservation organizations for a variety of reasons, including their locally or regionally declining status or because they provide important habitat to common and special-status species. Many of these habitats are monitored and reported in the CNDDB, which is maintained by CDFW. The following natural communities, all of which are found within the study area, are considered special-status natural communities.

- Tidal Perennial Aquatic
- Tidal Mudflat
- Tidal Brackish Emergent Wetland
- Tidal Freshwater Emergent Wetland
- Valley/Foothill Riparian
- Nontidal Perennial Aquatic
- Nontidal Freshwater Perennial Emergent Wetland
- Alkali Seasonal Wetland Complex
- Vernal Pool Complex
- Managed Wetland
- Other Natural Seasonal Wetland
- Inland Dune Scrub

or potential aquatic habitat (valley/foothill riparian) protected under the CWA and Porter-Cologne Act. ~~To simplify the permitting processes, the regulated habitat types have been grouped into the following open water and wetland categories:~~

The regulated aquatic resources have been grouped into the following wetland and open water categories (the hydrology-based wetland types originally mapped for the ~~d~~Draft EIR/EIS have been reclassified into the following habitat-based types to facilitate the permitting process).~~:~~

- Wetlands
  - Perennial
    - Emergent
    - Scrub-Shrub
    - Forest
  - Seasonal
    - Vernal Pool
    - Seasonal wetland
    - Alkaline Wetland

- Other Waters of the U.S.
    - Nontidal
        - Agricultural Ditch
        - Natural Channel
        - Pond
        - Lake
    - Tidal
        - Tidal Channel
        - Conveyance
        - Clifton Court Forebay

Impacts on waters of the United States discussed ~~later~~ in ~~this document (~~Section 12.3.3~~)~~ are presented in the Wetlands and Other Waters of the U.S. categories listed above. These groupings ensure that impacts are assessed, and mitigation assigned, to categories of aquatic resources typically required by regulatory agencies.

~~Open Water~~

- ~~Nontidal Flow~~
- ~~Muted Tidal Flow~~
- ~~Tidal Flow~~
- ~~Pond or Lake (nontidal)~~

- ~~Wetland~~
    - ~~Nontidal Wetland~~
    - ~~Tidal Wetland~~
    - ~~Seasonal Wetland~~

~~Impacts on waters of the United States discussed later in this document (Section 12.3.3) are presented in the open water and wetland categories listed above. These groupings ensure that impacts are assessed, and mitigation assigned, by proper hydrologic regime (tidal versus nontidal, perennial versus seasonal), which is typically required by regulatory agencies. During the regulatory processes, the habitats will be further detailed by type of wetland feature, based on vegetation (e.g., herbaceous versus woody).~~

One other natural community (grassland) and two land cover types (cultivated lands and developed lands) also are present in the study area but are not considered special-status natural communities. Though some grasslands, cultivated lands, and developed lands provide habitat for special-status species, as a natural community and a land cover type these areas are not of limited distribution and do not in themselves require particular regulatory consideration for the vegetation that occurs there (e.g., these areas are not regulated wetlands). Throughout the remainder of the chapter, these three community/land cover types are addressed in the context of the other natural communities. The cultivated lands land cover type is treated as a natural community in the BDCP to meet the requirements of the Natural Communities Conservation and Protection Act (NCCPA) and to recognize its value to covered species addressed in the Plan. Tidal mudflat, which is listed above, is not mapped separately, and occurs at the edges between tidal perennial aquatic, tidal freshwater emergent, and tidal brackish emergent wetland. Therefore, the tidal mudflat natural community is not addressed separately in detail in this chapter.

The study area natural communities are described below, including how each is used by common and special-status plant and wildlife species. Information on natural communities and associated plant and wildlife species was summarized from Draft BDCP Chapter 2, Section 2.3.4, *Natural Communities*. Table 12-2 and Table 12-3 list the special-status species (covered and noncovered species) supported by these natural communities. The acreages of each natural community within the Plan Area and this chapter's study area are presented in Table 12-1.

12.2 Regulatory Setting

12.2.1 Federal Plans, Policies, Regulations, and Executive Orders

12.2.1.1 Sections 404 and 401 of the Clean Water Act

Section 404 of the CWA requires a project applicant to obtain a permit from USACE before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Section 401 of the CWA is administered by state agencies and is discussed below under state plans, policies, and regulations. Waters of the United States is defined to encompass navigable waters of the United States; interstate waters; all other waters where their use, degradation, or destruction could affect interstate or foreign commerce; tributaries to any of these waters; and wetlands that meet any of these criteria or are adjacent to any of these waters or their tributaries. Wetlands are defined under Section 404 as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands must meet three delineation criteria to be subject to jurisdiction by USACE.

- They support hydrophytic vegetation (i.e., plants that grow in saturated soil).
- They have hydric soil types (i.e., soils that are wet or moist enough to develop anaerobic conditions).
- They have wetland hydrology.

USACE would likely have jurisdiction under Section 404 over actions associated with some BDCP covered activities. Because the USACE jurisdiction and scope would not include the entire BDCP, USACE would likely make multiple permit decisions over the course of implementing the various elements of the BDCP (regional general permits or individual permits). As an example, it is expected that implementation of the BDCP water conveyance facility construction (CM1) would require permitting under the CWA. Permitting CM1 would likely be accomplished in a multi-step process as follows. First, USACE would adopt the BDCP EIR/EIS pursuant to 40 Code of Federal Regulation (CFR) Section 1506.3 and complete a Record of Decision (ROD) setting forth its statutory requirements and covered activities falling under the USACE jurisdiction. The ROD would likely note that the EIR/EIS would be used for current and future permit decisions (noting that subsequent

NEPA analysis may be necessary). The ROD would also likely note that the BDCP EIR/EIS would provide a context for alternatives evaluated under the CWA 404(b)(1) Guidelines, and would discuss the use of permit phases for implementation of CM1. After USACE received a complete application for CM1, USACE would issue a Public Notice describing the permit phases for CM1, the USACE approach for making decisions under CWA Section 404 and the Rivers and Harbors Act Section 10 and Section 14 (or “408 program”), and would describe those construction phases for which sufficient detail is present to allow a final permit decision. The initial permit application would include an analysis of alternatives consistent with the 404(b)(1) Guidelines for the entire CM1 project, regardless of construction phase. At that point, USACE may make a preliminary determination regarding the Least Environmentally Damaging Practicable Alternative (LEDPA) under the Guidelines for the whole of CM1 that meets the overall project purpose. A final compensatory mitigation plan would be submitted for CM1 that offsets unavoidable impacts on wetlands or other waters of the United States, and USACE would determine whether the Plan is sufficient under 33 CFR Part 332. For each CM1 phase, USACE would prepare a decision document (EA FONSI or ROD) and would make any necessary additional findings regarding NEPA compliance, the CWA Section 404(b)(1) analysis, public interest review and Section 408 permission, if applicable.

In 2008, ~~the Corps~~USACE and the EPA issued national regulations, known as the “Mitigation Rule” governing compensatory mitigation for activities authorized by permits issued by ~~the Corps~~USACE (33 CFR ~~§§~~Sections 325, 332), and in 2015, the ~~Corps’~~ USACE South Pacific Division issued “Regional Compensatory Mitigation and Monitoring Guidelines (Final January 12, 2015)” (Division Guidelines) to supplement the national Mitigation Rule. Compensatory mitigation under the Mitigation Rule and Division Guidelines fulfill the long standing national goal of replacing the loss of wetland and other aquatic resource acreages and functions, known as the “no net loss” goal (National Wetlands Mitigation Action Plan (December 24, 2002)). To achieve the no net loss goal, ~~the Corps~~USACE and EPA have concluded that, where appropriate and practicable, compensatory mitigation “should provide, at a minimum one for one functional replacement (i.e., no net loss of values), with an adequate margin of safety.” The long-term objective of the no net loss policy is to increase wetland acreages and functions nationally.

The Mitigation Rule defines compensatory mitigation as ~~(~~1) restoring existing wetlands or reestablishing former wetlands; ~~(~~2) creating new wetlands in upland areas; ~~(~~3) enhancing the functional values of degraded wetlands; and ~~(~~4) preserving wetlands restoration aquatic resources. Restoration is generally the preferable form of compensatory mitigation because the likelihood of success is greater while the impacts to potentially ecologically important uplands are less, as compared to creation. Moreover, the potential gains in terms of aquatic resources functions are oftentimes greater with restoration as compared to enhancement and preservation (33 CFR ~~§~~Section 332.3(a)(2)). The Mitigation Rule and Division Guidelines stress the benefits of a watershed approach to compensatory mitigation, and compensatory mitigation generally should be located in the same watershed as the impact site, and where it is most likely to successfully replace lost functions and services (33 CFR ~~§~~Section 332.3; Division Guidelines, ~~§~~Section 3.2)

Sections 404 and 401 of the CWA are relevant to terrestrial biological resources in the study area because wetlands and waters of the United States provide habitat to both special-status and common terrestrial species.

12.3 Environmental Consequences

12.3.2 Methods for Analysis

12.3.2.4 Methods Used to Assess Wetlands and Other Waters of the United States

The term *waters of the United States* is an encompassing term used by USACE for areas that are subject to federal regulation under Section 404 of the federal Clean Water Act (CWA). Waters of the United States are categorized as *wetlands* or *other waters of the United States*. Each of these categories is described below.

USACE defines *wetlands* as areas that are inundated or saturated by surface water or groundwater at a frequency and duration that is sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3[b]; 40 CFR 230.3). For a wetland to qualify as a jurisdictional aquatic site, and therefore be subject to regulation under CWA Section 404, it must support a prevalence of hydrophytic vegetation, hydric soils, and wetland hydrology.

~~On January 9, 2001, a federal court ruling in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers* (121 S.Ct. 675 [2001]) resulted in a determination that isolated wetlands (e.g., vernal pools) are no longer regulated by USACE under CWA Section 404. Counsel for EPA and USACE published guidance on "[n]on-navigable, isolated [and] intrastate waters" on January 19, 2001, in response to the ruling. The guidance essentially resulted in a determination that USACE does not regulate non-navigable, isolated waters. Jurisdictional status would be considered as part of the wetland delineation and future permitting process for the proposed project.~~

Other waters of the United States are water bodies that are regulated under Section 404 of the CWA but do not typically display all three of the wetland indicators identified above.

As stated in Chapter 3, *Description of Alternatives*, this document is intended to provide project-level CEQA and NEPA analysis for *CM1 Water Facilities and Operation*, and program-level analyses for all other BDCP covered activities. To support the approval of a water conveyance alternative at the project level, it will be necessary to consider its effects on wetlands and waters of the United States at a detailed level. This analysis will be part of the Section 404 Clean Water Act application process, as is needed to support compliance with the Act, and which must occur prior to issuing a Record of Decision for the project's 404 permit action under terms of NEPA. A jurisdictional wetlands determination has not been undertaken for other elements of the BDCP because more specific detail must be developed for individual conservation actions before a specific area of effect can be identified.

The wetland classification system used to delineate wetlands and waters of the United States for the analysis in this chapter is different from that used to develop natural communities in the BDCP. The BDCP natural communities development process and methods are described in Section 12.3.2.2 of this chapter. The method for mapping and quantifying potential wetlands and waters of the ~~US~~United States for this EIR/EIS was developed and implemented by DWR. Wetland mapping followed protocols developed for the Sacramento-San Joaquin Delta, which were adapted from the Bay Area Aquatic Resources Inventory (BAARI; San Francisco Estuary Institute 2011). DWR used an analysis of electronic geographic data using a Geographic Information System (GIS) to delineate potential wetlands within the Conveyance Planning Areas. DWR interpreted digital aerial imagery from 2005-2010 to identify wetland vegetation and other aquatic features. Additional sources of information were also consulted including the CDFW GIS dataset showing vegetation and land use for the Sacramento San Joaquin Delta ("DFG Vegetation GIS") (Hickson and Keeler-Wolf 2007), digital elevation data (LiDAR), historical aerial imagery available on Google Earth, NRCS soil maps, and the USFWS National Wetland inventory maps.

Field data was collected at a limited number of accessible sites in support of this GIS-based determination. DWR environmental scientists conducted wetland delineations following the method in the *1987 Corps of Engineers Wetland Delineation Manual* (U.S. Army Corps of Engineers 1987) and the Arid West Supplement (U.S. Army Corps of Engineers 2008). DWR plotted the locations of the field wetland data points on the wetland map. Most data points confirmed the mapped wetland boundaries, but slight adjustments to wetland polygons were made if necessary. The wetland delineation was submitted to the USACE for verification in August 2014. The final verified delineation incorporated changes requested by the USACE.

Table 12-6 classifies the potentially jurisdictional wetland and other water types mapped in the Conveyance Planning Areas with the corresponding type from the Cowardin classification system (Cowardin et al. 1979). These wetland features are stored in a geographic feature class within a geodatabase. Descriptions of the mapped wetland types are included below.

~~The method for mapping and quantifying potential wetlands and waters of the US for this EIR/EIS was developed and implemented by DWR. It is based on analysis of electronic geographic data using a Geographic Information System (GIS). Field data was collected at a limited number of accessible sites in support of this GIS-based determination.~~

~~To determine water conveyance alternatives that may affect jurisdictional wetlands and other waters of the United States, the GIS analysis used a DWR data for the study area and footprints of the water conveyance system alternatives, digital aerial photographs taken from 2005 to 2010, and Natural Resources Conservation Service soil data.~~

~~DWR used aerial photography interpretation in a GIS to delineate potential wetlands within the Conveyance Planning Areas. Wetland mapping followed protocols developed for the Sacramento-San Joaquin Delta, which were adapted from the Bay Area Aquatic Resource Inventory (BAARI; San Francisco Estuary Institute 2011). To identify photographic signatures of natural hydrology under different precipitation conditions, additional sources of information were also consulted, including the CDFW GIS dataset showing vegetation and land use for the Sacramento-San Joaquin Delta ("DFG Vegetation GIS") (Hickson and Keeler-Wolf 2007), historical aerial imagery available on Google Earth and the USFWS National Wetland Inventory maps.~~

~~The features of the proposed EIR/EIS alternatives include canals, tunnels, intakes, forebays, pumping plants, staging areas, and borrow and spoil areas and are considered to have either permanent or temporary impacts. These features are stored in a geographic feature class within a geodatabase and were used to determine the surface impact for each alternative.~~

~~DWR also consulted NRCS soil maps of Alameda, Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties. The map units associated with hydric soils was overlain on the Plan Area map.~~

~~Because nearly all of the Plan Area is mapped by NRCS as having hydric soils, DWR used aerial photograph interpretation of vegetation type and landscape position to identify potential jurisdictional wetlands and other waters. Table 12-6 classifies the mapped wetland types with the~~

~~corresponding type from the Cowardin classification system (Cowardin et al. 1979). Detailed descriptions of the mapped wetland types are included in San Francisco Estuary Institute 2011.~~

~~Field data were collected at a limited number of accessible sites in support of this GIS- based determination. DWR environmental scientists conducted wetland delineations following the method in the 1987 *Corps of Engineers Wetland Delineation Manual* (U.S. Army Corps of Engineers 1987) and the Arid West Supplement (U.S. Army Corps of Engineers 2008) at 26 sites in the spring and summer of 2013. DWR plotted the locations of the field wetland data points on the wetland map and adjusted wetland polygons if necessary.~~

~~To determine effects resulting from CM1 construction, the GIS data layer of potential jurisdictional wetlands and other waters was intersected with the layer of project footprint surface features for each proposed EIR/EIS alternative. The resulting polygons identify the areas of potential impacts on jurisdictional waters. Acreages of each type of impacted wetland were calculated for each alternative using an Access database tool and are presented in the wetlands and waters of the United States impact discussions in Section 12.3.3. The GIS data layer of wetlands and other waters developed in this process includes all potentially jurisdictional waters, including those waters that may be later determined by USACE to be isolated or otherwise non-jurisdictional. The use of this methodology and the GIS data layer likely results in an overestimation of the wetlands and waters of the United States that would be affected and would require permitting. The construction footprints are expected to be larger than actual design footprints, including the large intake footprints extending into the Sacramento River. Also, the GIS methodology used to assign a footprint to the transmission corridors involved creating a continuous band of effect along the entire alignment rather than attempting to place individual transmission tower footprints along the alignment. Finally, the potential jurisdictional wetlands mapping included a delineation of all agricultural-related ditches and canals; some of these waterways are likely to be determined non-jurisdictional during the permitting process.~~

Table 12-6. ~~Mapped Land Cover Types that are Potentially Jurisdictional~~ Wetlands and Other Waters of the United States

	Wetland/Water Type	Map Label Codes	Cowardin Code	Type in Draft EIR/EIS
Wetlands				
Perennial	Emergent	EM	PEM Palustrine-emergent	Tidal wetland and nontidal wetland
	Scrub-Shrub	SS	PSS Palustrine-scrub-shrub	Tidal wetland and nontidal wetland
	Forest	FO	PFO Palustrine-forested	Tidal wetland and nontidal wetland
Seasonal	Vernal Pool	VP	PEM2 Palustrine-emergent-nonpersistent	Seasonal wetland
	Seasonal Wetland	SW	PEM Palustrine-emergent	Seasonal wetland
	Alkaline Wetland	AW	PEM Palustrine-emergent or PSS Palustrine-scrub-shrub	Seasonal wetland
Other Waters of the United States				
Nontidal	Agricultural Ditch	AD	R4 Riverine-Intermittent	Nontidal flow
	Natural Channel	CH	R4 Riverine-Intermittent	Nontidal flow
	Depression	DE	PUB Palustrine-unconsolidated bottom	Pond or lake
	Lake	LA	L1UB Lacustrine-Limnetic unconsolidated bottom	Pond or lake
Tidal	Tidal Channel	TC	R1UB Riverine-Tidal-unconsolidated bottom	Tidal flow
	Conveyance	CO	N/A Concrete or rock-lined conveyance channels	Muted tidal flow
	Clifton Court Forebay	CCF	R1UB Riverine-Tidal-unconsolidated bottom	Clifton Court Forebay

~~Potential Wetland or Other Waters~~	~~Mapped Land Cover Type~~	~~Cowardin Code(s)~~	~~Cowardin Type(s)~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~Channel unnatural~~	~~R4SB5x~~	~~Riverine intermittent streambed mud excavated~~
~~Muted Tidal Flow~~	~~Lagoon open water unnatural~~	~~R1UBV~~	~~Riverine tidal unconsolidated bottom permanently flooded-tidal~~
~~Tidal Flow~~	~~Tidal channel~~	~~R1UBV~~	~~Riverine tidal unconsolidated bottom permanently flooded-tidal~~
	~~Tidal channel unnatural~~	~~R1UBVx~~	~~Riverine tidal unconsolidated bottom permanently flooded-tidal excavated~~
~~Pond or Lake (nontidal)~~	~~Depression open water unnatural~~	~~PUBHh or PUSCh or PUSKh~~	~~Palustrine unconsolidated bottom perm flooded diked/impounded or Palustrine unconsolidated shore seasonally flooded diked/impounded or Palustrine unconsolidated shore artificially flooded diked/impounded~~
	~~Lacustrine open water unnatural~~	~~L1UBH(h) or L2UBH(h) or L2USC(h)~~	~~Lacustrine limnetic unconsolidated bottom permanently flooded diked/impounded or Lacustrine littoral unconsolidated bottom permanently flooded diked/impounded or Lacustrine limnetic unconsolidated shore seasonally flooded diked/impounded~~

~~Potential Wetland or Other Waters~~	~~Mapped Land Cover Type~~	~~Cowardin Code(s)~~	~~Cowardin Type(s)~~
~~Wetland~~			
~~Nontidal Wetland~~	~~Channel vegetation unnatural~~	~~PEM1 or~~ ~~PEM2 or~~ ~~PSS or~~ ~~PFO~~	~~Palustrine persistent emergent or~~ ~~Palustrine non persistent emergent or~~ ~~Palustrine scrub-scrub regularly flooded or~~ ~~Palustrine forested regularly flooded~~
	~~Depression vegetation unnatural~~	~~PEM1 or~~ ~~PEM2 or~~ ~~PSS or~~ ~~PFO~~	~~Palustrine persistent emergent or~~ ~~Palustrine non persistent emergent or~~ ~~Palustrine scrub-scrub or~~ ~~Palustrine forested~~
	~~Lacustrine vegetation unnatural~~	~~PEM1 or~~ ~~PEM2 or~~ ~~PSS or~~ ~~PFO~~	~~Palustrine persistent emergent or~~ ~~Palustrine non persistent emergent or~~ ~~Palustrine scrub-scrub or~~ ~~Palustrine forested~~
	~~Seep unnatural~~	~~PSSKd or~~ ~~PFOKd or~~ ~~PEMKd~~	~~Palustrine scrub-scrub artificially flooded partially drained/ditched or~~ ~~Forested artificially flooded partially drained/ditched or~~ ~~Emergent wetland artificially flooded partially drained/ditched~~
~~Tidal Wetland~~	~~Lagoon vegetation unnatural~~	~~PEM1 or~~ ~~PEM2 or~~ ~~PSS or~~ ~~PFO~~	~~Palustrine persistent emergent or~~ ~~Palustrine non persistent emergent or~~ ~~Palustrine scrub-scrub or~~ ~~Palustrine forested~~
	~~Tidal vegetation~~	~~PEM1N or~~ ~~PSSN or~~ ~~PFON~~	~~Palustrine emergent persistent regularly flooded or~~ ~~Palustrine scrub-scrub regularly flooded or~~ ~~Palustrine forested regularly flooded~~
~~Seasonal Wetland~~	~~Vernal pool~~	~~PEM2C~~	~~Palustrine emergent nonpersistent seasonally flooded~~
	~~Vernal pool complex~~	~~PEM2C~~	~~Palustrine emergent nonpersistent seasonally flooded~~
	~~Wet meadow unnatural~~	~~PEMBf~~	~~Palustrine emergent saturated farmed~~
	~~Playa unvegetated unnatural~~	~~PUSC1~~	~~Palustrine unconsolidated shore seasonally flooded hypersaline~~

~~Source: Witzman, pers. comm.~~

Perennial Wetlands

Perennial wetlands are dominated by persistent hydrophytic vegetation. Three types of perennial wetlands were mapped in the Project Area based on the growth form of the vegetation. (The types below were designated as Tidal Wetlands or Nontidal Wetlands in the ~~Public~~ Draft EIR/EIS.)

Emergent Wetland

Emergent wetlands are dominated by emergent marsh plants such as tules and cattails, or native or ruderal hydrophytic herbaceous forbs. Nontidal emergent wetlands occur above the waterline in ditches or other nontidal channels, at the edge of ponds or lakes, or where seepage occurs on the landside of levees. Tidal emergent wetlands occur in the vegetated zone along tidal or muted tidal channels, in areas such as mud flats, waterside levee toes, and in-channel islands.

Scrub-Shrub Wetlands

Scrub-shrub wetlands are dominated by woody vegetation that is less than 6 m tall and includes riparian shrubs such as native blackberries, dogwoods, buttonbush, and California wild rose, as well as willow and cottonwood seedlings or saplings. Scrub-shrub wetlands may occur in depressions or other nontidal areas such as the banks of ditches and the edges of ponds or lakes. This plant community also occurs in tidally influenced areas along tidal channels and on in-channel islands.

Forested Wetlands

Forested wetlands are defined by woody vegetation that is 6 m tall or taller. Riparian trees in the study area include: Goodding's willow, arroyo willow, sandbar willow, and Fremont's cottonwood. Forested wetlands are found in areas with tidal and nontidal water regimes, as described for scrub-shrub wetlands.

Seasonal Wetlands

Three types of seasonal wetlands were mapped in the study area. Seasonal wetlands are usually dry for part of the year and therefore exhibit vegetation that is patchy or not persistent throughout the year. Strongly alkaline or saline conditions may also cause the soil to be barren of vegetation in some areas. (The types below were all designated as Seasonal Wetlands in the ~~Public~~ Draft EIR/EIS.)

Vernal Pool

Vernal pool wetlands are depressions with an impervious soil horizon close to the surface. These depressions fill with rainwater and may remain inundated through spring or early summer; they often occur in complexes of many small pools that are hydrologically interconnected. Vernal pools support distinct plant species adapted to the characteristic flooding and drying cycles of the habitat.

Seasonal Wetland

A type of seasonal wetland occurs in the central Delta within plowed agricultural fields. Although a system of pumps and drainage ditches controls water levels on the subsided islands, a high water table persists in some areas. Upland crops are planted in the surrounding fields but hydrophytic ruderal forbs become established in the wet areas, and crops usually fail if planted there. The vegetation in these wetlands consists of annual weeds that do not persist through the winter.

Alkaline Wetland

Alkaline wetlands are a type of seasonal wetland influenced by strongly alkaline or saline soils. Alkaline wetlands support alkaline or saline tolerant species such as iodine bush and alkali heath, but may also have large unvegetated areas that are seasonally ponded or saturated.

Nontidal Waters

In the Delta five types of nontidal waters were mapped as the open water portion of either naturally occurring features or unnatural features that were excavated and/or diked. Nontidal waters may occur in depressions of various sizes or in channels with either intermittent or perennially flowing water. The vegetation associated with these waters is discussed separately in the *Perennial Wetlands* and *Seasonal Wetlands* sections. (The types below were designated as either Nontidal Flow or Pond/Lake in the ~~Public~~ Draft EIR/EIS.)

Agricultural Ditches

Throughout the Delta there are many ditches constructed for the purpose of irrigating and/or draining agricultural land. The mapped ditches range in size from one to 22 meters wide. They are generally unvegetated with mud bottoms, but may support floating species such as duckweed or water hyacinth.

Natural Channels

Nontidal natural channels exist on the northeast and southwest edges of the Project Area. These include a section of the Cosumnes River and several small channels linking other water features. All of these features flow intermittently. The substrate in natural channels may be mud, or sand, gravel, and cobbles.

Depressions

Depressions are ponds that are permanently, seasonally, or artificially wet, with little to no rooted vegetation on a mud or sand bottom. They may be artificially filled or result from a high water table. Depressions are less than 20 acres in size with a depth of less than 2 meters. These water bodies are often created in grazing lands for use as stock ponds, and may be diked or otherwise artificially impounded.

Lakes

Lakes have characteristics similar to depressions, but are greater than 20 acres in size and may have a wave-formed shoreline.

Tidal Waters

Tidal waters are the open water portions of aquatic features that are influenced by the rise and fall of the tides. Man-made structures such as gates or culverts may restrict tidal influence to various degrees. The vegetation associated with these waters is discussed separately in the *Perennial Wetlands* and *Seasonal Wetlands* sections.

Tidal Channels

Tidal channels may be naturally occurring perennial riverine waterways, though most have been modified with leveed banks and often reinforced with rock revetment. Water velocity and depth fluctuates under tidal influence, and the channel bottom is generally comprised of mud or sand. Tidal channels that have been created by excavation are usually straight rather than sinuous, and usually have heavily diked or reinforced banks. These excavated channels were often created to provide for navigation, water conveyance, material for levees, or to raise the land surface on adjacent property. Tidal channels are largely unvegetated, or may support floating or submerged aquatic vegetation.

Conveyance ~~c~~Channels

Several large rock-lined conveyance channels were mapped in the study area. These constructed water features were mapped along with all other aquatic resources in the Project Area because they may be subject to some tidal effects and therefore may be considered jurisdictional by ~~the Army Corps of Engineers~~USACE. (This type was designated as Muted Tidal Flow in the ~~Public~~ Draft EIR/EIS.)

Clifton Court Forebay

Clifton Court Forebay, a constructed reservoir, is a highly modified perennial water body which is semi-enclosed by land, and engineered to be periodically open to tidal influences via a moveable gate structure. The Forebay is characterized by an artificial rock shore (rock revetment) and an aquatic bed of varying depths. The forebay is largely unvegetated, however, emergent perennials such as cattails and tules are found in shallow areas, and submerged aquatics such as Brazilian waterweed are found in areas of moderate depth.

The features of the proposed EIR/EIS alternatives include canals, tunnels intakes, forebays, pumping plants, staging areas, and borrow and spoil areas and are considered to have either permanent or temporary impacts. These features are stored in a geographic feature class within a geodatabase and were used to determine the surface impact for each alternative.

To determine effects resulting from CM1 construction, the GIS layer of potentially jurisdictional wetland and other waters was intersected with the layer of project footprint surface features for each proposed EIR/EIS alternative. The resulting polygons identify the areas of potential impacts on jurisdictional waters. Acreages of each type of impacted wetland were calculated for each alternative and are presented in the wetlands and waters of the United States impact discussions in Section 12.3.3.

The GIS data layer of wetlands and other waters of the U.S. in this process includes all potentially jurisdictional waters, including those waters that may be later determined by USACE to be isolated or otherwise non-jurisdictional. Although some potential wetlands may not have been identified in areas where hydrology is extensively manipulated by agricultural activity, the use of this methodology and the GIS data layer likely results in an overestimation of the wetlands and waters that would be affected and would require permitting. The actual construction footprints are expected to be smaller than design footprints, including the large intake footprints extending into the Sacramento River. Also, the GIS methodology used to assign a footprint to the transmission corridors involved creating a continuous band of effect along the entire alignment rather than attempting to place individual transmission tower footprints along the alignment. Finally, the potential jurisdictional wetlands mapping included a delineation of all agricultural-related ditches and canals; some of these waterways are likely to be determined non-jurisdictional during the permitting process.

The habitat protection and restoration activities associated with other BDCP conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and waters of the United States in the study area through the course of the BDCP protection and restoration program. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures (CM2, CM4 and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in Chapter 5 of the BDCP. These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects. Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other waters of the United States. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated lands) are not easily converted to effects on wetlands and other waters of the United States by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures. In the programmatic impact analysis, it has been assumed that 100% of the predominantly wetland natural communities mentioned above and 10% of all of the non-wetland natural communities mentioned above would qualify as wetlands or other waters of the United States under the CWA.

Relationship to Waters of the State

As noted in Section 12.2.2.7, waters of the state includes "any surface water or groundwater, including saline waters, within the boundaries of the state", which is a broader definition than that of waters of the United States (see Section 12.2.1.1 *Sections 404 and 40a of the Clean Water Act*). As discussed above, DWR's delineation of waters of the United States includes all potentially jurisdictional waters, including those waters that may be later determined by USACE to be isolated or otherwise non-jurisdictional (e.g., agricultural ditches and canals). Because DWR's delineation did not exclude any such wetlands and waters, the delineation also represents what would be considered waters of the state within the Plan Area. Therefore, the analyses and conclusions for effects on waters of the Unites States in Section 12.3.3 under Impact BIO-176: *Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States* and Impact BIO-177: *Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States* would also apply to waters of the state.

12.3.3.2 Alternative 1A—Dual Conveyance with Pipeline/Tunnel and Intakes 1, 2, 3, 4 and 5 (15,000 cfs; Operational Scenario A)

General Terrestrial Biology Effects

Wetlands and Other Waters of the United States

Alternative 1A actions would both permanently and temporarily remove or convert wetlands and open water that ~~is potentially jurisdictional as~~are regulated by USACE under Section 404 of the CWA. The 404 regulations and relevant information on mitigation the effects of impact to wetlands and waters of the United States (U.S.) are described in Section 12.2.1.1 in Appendix A, Draft EIR/EIS In-Text Chapter Revisions, of this RDEIR/SDEIS. The following two impacts address the project-level effects of CM1 on these potential wetlands and waters, and the programmatic-level effects of other relevant conservation actions (CM2–CM10). CM11–~~CM22~~ CM21 would not directly result in loss or conversion of wetlands or other waters of the ~~United States~~U.S. The methods used to conduct these analyses are described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The waters of the U.S. data used for this analysis is based on a verified wetland delineation from the USACE that was completed in early 2015. These waters of the U.S. were mapped at finer scale than that which was done for the natural community mapping for the BDCP and therefor the acreages of these two datasets differ when compared to each other. The waters of the U.S. mapping identified numerous agricultural ditches and seasonal wetlands occurring within and associated with cultivated lands, which explains the majority of the difference.~~of this chapter.~~

Impact BIO-176: Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States

Alternative 1A proposes the construction, maintenance, and operation of water conveyance facilities within, or requiring the unavoidable fill of, waters of the U.S. The estimated fill of jurisdictional waters associated with this alternative is described in Table 12-1A-69 below. ~~Construction of the Alternative 1A water conveyance facilities would both temporarily and permanently remove potential wetlands and other waters of the United States as regulated by Section 404 of the CWA (Table 12-1A-69).~~ Based on the methodology used to conduct this analysis, the losses would occur at intake, tunnel, pipeline, canal, and RTM and borrow/spoil storage sites, transmission corridors, and multiple temporary work areas associated with the construction activity. The permanent open water and wetland losses ~~(188 acres)~~ would occur at various locations along the pipeline/tunnel alignment, but the majority would occur due to construction of Alternative 1A's five intake structures along the eastern bank of the Sacramento River between Freeport and Courtland in the north Delta (including associated spoil/borrow areas), construction of forebays in both the north and south Delta areas, and the RTM storage sites associated with tunnel construction at various locations, including on Andrus, Tyler, Venice and Bacon Islands. However, through implementation of an environmental commitment to reuse RTM or dispose of it at appropriate facilities, as described in Appendix 3B, *Environmental Commitments* of the Draft EIR/EIS, it is anticipated that the material would be removed from these areas and applied, as appropriate, as bulking material for levee maintenance or as fill material for habitat restoration projects, or would be put to other beneficial means of reuse identified for the material. The temporary open water and wetland effects ~~(164 acres)~~ would also occur mainly at the five intake construction sites along the eastern bank of the Sacramento River, and at barge unloading facilities in the San Joaquin and Middle Rivers.

Table 12-1A-69. Estimated Fill of Waters of the U.S. Associated with the Construction of Water Conveyance Facilities under Alternative 1A (acres) ~~**Potential Wetlands and Other Waters of the United States Filled by Construction of Alternative 1A Water Conveyance Facilities (acres)**~~

Wetland/Water Type	Permanent Impact	Temporary Impacts Treated as Permanent[1]	Temporary Impact	Total Impact
Agricultural Ditch	64.9	23.4	0	88.4
Alkaline Wetland	0.10	0	0	0.1
Clifton Court Forebay	1.0	0	0	1.0
Conveyance Channel	12.7	1.1	0	13.8
Depression	1.9	1.8	0	3.7
Emergent Wetland	46.8	7.3	0	54.0
Forest	5.8	11.9	0	17.7
Lake	0	0.3	0	0.3
Scrub-Shrub	20.6	4.3	0	24.9
Seasonal Wetland	18.7	26.6	0	45.4
Tidal Channel	42.9	133.8	0	176.7
Vernal Pool	0	0	0	0
Total	215	211	0	426

~~Wetland/Other Water Type[a]~~	~~Permanent[b]~~	~~Temporary~~	~~Total~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~78~~	~~19~~	~~97~~
~~Muted Tidal Flow~~	~~<1~~	~~<1~~	~~<1~~
~~Tidal Flow~~	~~34~~	~~127~~	~~161~~
~~Pond or Lake (nontidal)~~	~~2~~	~~2~~	~~4~~
~~Clifton Court Forebay~~	~~1~~	~~0~~	~~1~~
~~**Wetland**~~			
~~Nontidal Wetland~~	~~67~~	~~9~~	~~76~~
~~Tidal Wetland~~	~~5~~	~~4~~	~~9~~
~~Seasonal Wetland~~	~~<1~~	~~3~~	~~4~~
~~**Total Impact Acres**~~	~~**188**~~	~~**164**~~	~~**352**~~

~~[a] Wetland types are described in the methods section of this chapter (Section 12.3.2.4).~~
~~[b] Effects include fill from construction of 10-foot high RTM storage sites.~~
~~Source: California Department of Water Resources 2013b~~

The majority of the impacts on wetlands and waters of U.S. are on tidal channels, emergent wetlands, and on wetlands and waters found within cultivated lands (agricultural ditches and seasonal wetlands). These impacts mostly result from the construction of the barge unloading facilities, intake work areas, shaft locations, and transmission lines. The impacted seasonal wetlands

[1] Temporary impacts treated as permanent are temporary impacts expected to last over one year. These impact sites will eventually be restored to pre-project conditions; however, due to the duration of effect, compensatory mitigation will be included for these areas.

mapped within the Conveyance Planning Area, as described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, all occur in the central Delta within plowed agricultural fields.

Unavoidable impacts on waters of the United States would be offset such that the loss of acreage and functions due to construction activities are fully compensated. Wetland functions are defined as a process or series of processes that take place within a wetland. These include the storage of water, transformation of nutrients, growth of living matter, and diversity of wetland plants, and they have value for the wetland itself, for surrounding ecosystems, and for people. Functions can be grouped broadly as habitat, hydrologic/hydraulic, or water quality. Not all wetlands perform all functions nor do they perform all functions equally well. The location and size of a wetland may determine what functions it will perform. For example, the geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine its hydrologic/hydraulic or water-quality functions. Many factors determine how well a wetland will perform these functions: climatic conditions, quantity and quality of water entering the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem. Wetland disturbances may be the result of natural conditions, such as an extended drought, or human activities, such as land clearing, dredging, or the introduction of nonnative species. Wetlands are among the most productive habitats in the world, providing food, water, and shelter for fish, shellfish, birds, and mammals, and serving as a breeding ground and nursery for numerous species. Many endangered plant and animal species are dependent on wetland habitats for their survival. Hydrologic and hydraulic functions are those related to the quantity of water that enters, is stored in, or leaves a wetland. These functions include such factors as the reduction of flow velocity, the role of wetlands as ground-water recharge or discharge areas, and the influence of wetlands on atmospheric processes. Water-quality functions include the trapping of sediment, pollution control, and the biochemical processes that take place as water enters, is stored in, or leaves a wetland.

The functions of the waters of the U.S. that will be temporarily or permanently impacted by this alternative vary greatly depending primarily on existing land uses and historical levels of disturbance. Generally, agricultural ditches and conveyance channels, which are regularly maintained and often devoid of vegetation, support only minimal hydraulic function (water conveyance), with virtually no water quality or habitat function. With respect to Clifton Court Forebay, the facility is regularly maintained, but supports some hydrologic, hydraulic, and water quality functions (e.g. reduction of velocity, groundwater recharge, and trapping of sediment). Tidal channels affected by this alternative support functions in all three categories, but the level at which these functions perform vary depending on setting, size, and level of disturbance. The alkaline wetlands and vernal pools exist in non-native grasslands and have been subjected to some disturbance due to past land uses. Although these features likely support habitat, water quality, and hydrologic/hydraulic functions, the capacity of these features to perform such functions vary depending on the overall ecological setting and level of disturbance. Functions associated with emergent wetland, forest, and scrub-shrub, depend primarily on the location of these habitat types. Where they exist as in-stream (in-channel islands) or as the thick band of habitat adjacent to a waterway, these features are expected to function at a high level. However, where these habitats exist as thin bands, or where they are situated in agricultural fields, their habitat functions will be considerably lower. All of the wetlands classified as seasonal wetlands occur in agricultural fields. As such, their habitat functions have been greatly compromised, but they retain some water quality and hydrologic/hydraulic function. Like seasonal wetlands, most depressions occur within agricultural areas; however the depressions may support wetland vegetation at their edges. The areas mapped as lake are the dredged borrow ponds created during the construction of Interstate 5. Although relatively small, each lake is likely performing functions from all three categories.

A functional assessment of wetlands proposed for fill will be conducted during the development of the Conceptual Mitigation Plan as part of the Clean Water Act permitting process. The results of this assessment will be compared to the expected functions at the proposed mitigation site(s) such that it can be confirmed that the compensatory mitigation will in fact accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functional compensatory wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands will be significantly less than high function, the compensatory mitigation will result in a net increase in wetland function.

Alternative 1A was designed to avoid waters of the U.S, to the maximum extent practicable. Each of the conveyance components has been located in upland areas where it was feasible to do so. Once construction begins, specific measures will be implemented, as described in the AMMs set out in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS (AMM6), to further avoid and minimize effects to waters of the U.S. as well as to special-status species. The AMMs will be implemented at all phases of a project, from siting through design, construction, and on to operations and maintenance. The AMMs that pertain specifically to waters of the U.S. are AMM1 *Worker Awareness Training*, AMM2 *Construction Best Management Practices and Monitoring*, AMM3 *Stormwater Pollution Prevention Plan*, AMM4 *Erosion and Sediment Control Plan*, AMM5 *Spill Prevention, Containment, and Countermeasure Plan*, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 *Barge Operations Plan*, AMM10 *Restoration of Temporarily Affected Natural Communities*, AMM12 *Vernal Pool Crustaceans*, AMM30 *Transmission Line Design and Alignment Guidelines*, AMM34 *Construction Site Security*, and AMM36 *Notification of Activities in Waterways*.

The implementation of measures to avoid and minimize impacts on habitat for aquatic species and species which utilize aquatic habitats, such as California tiger salamander, giant garter snake, California red legged frog, western pond turtle, riparian woodrat, and riparian brush rabbit, will also result in further avoidance and minimization of effects to waters of the United States.

Aside from wetland habitats that would be created as a result of implementing CMs 4-10, some of which could serve the dual purpose of offsetting effects to species and mitigating impacts on waters of the U.S., more specific mitigation is required to ensure that there is no net loss of wetland functions and values as a result of implementing Alternative 1A pursuant to USACE's and U.S. EPA's Mitigation Rule (see Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions* of this RDEIR/SDEIS). Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.* would be available to address adverse impacts on waters of the U.S.

NEPA Effects: The permanent and temporary loss of these ~~potential~~ jurisdictional wetlands and waters as a result of constructing Alternative 1A water conveyance facilities would be a substantial effect if not compensated by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands as defined by Section 404 of the CWA. ~~However, Alternative 1A includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water in the study area. Through the course of the BDCP restoration program, this alternative would restore 65,000 acres of tidal and 1,200 acres of nontidal wetland or open water.~~ Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. The Plan under Alternative 1A would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters.~~Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction~~. However, specific mitigation would be required to ensure that Alternative 1A does not result in a loss of functions and values of waters of the U.S. and thus that the affect is not adverse. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce these effects such that they are not adverse. ~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1A (352 acres). Therefore, there would be an overall beneficial effect on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

CEQA Conclusion: The permanent and temporary loss of these jurisdictional wetlands and waters of the U.S. as a result of constructing Alternative 1A water conveyance facilities would be a significant impact. Specific mitigation would be required to ensure that Alternative 1A does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level. Alternative 1A does propose to restore up to 76,721 acres of wetland natural communities under the Plan, which would include 65,000 acres of tidal marsh restoration (CM4), 10,000 acres of seasonally inundated floodplain restoration (CM5), 21 acres of vernal pool/alkali seasonal wetlands (CM9; 67 acres of vernal pool complex and 72 acres of alkali seasonal wetland complex assuming a wetland density of 15%), and 1,700 acres of nontidal marsh restoration (CM10). In addition, Alternative 1A would restore 5,000 acres of riparian habitat (CM7), some portion of which may also qualify as forested or scrub-shrub wetland. In addition, 20 miles of levees will have channel margin enhancement conducted on them (CM6), which would include improving channel geometry and restoring riparian, marsh, and mudflat habitats on the water side of levees.

The success in implementing these Conservation Measures would be assured through effectiveness monitoring, which includes success criteria, and adaptive management as outlined in the *Adaptive Management and Monitoring* sections of the Draft BDCP for tidal marsh restoration (Draft BDCP Section 3.4.4.4), seasonal floodplain restoration (Draft BDCP Section 3.4.5.4), channel margin enhancement (Draft BDCP Section 3.4.6.4), valley/foothill riparian restoration (Draft BDCP Section 3.4.7.4), vernal pool and alkali seasonal wetland complex restoration (Draft BDCP Section 3.4.9.4), and nontidal marsh restoration (Draft BDCP Section 3.4.10.3). All restored areas will be secured in fee-title or through conservation easements.

Alternative 1A would also result in the protection and management of the following natural communities that contain wetlands: 750 acres of valley/foothill riparian, 600 acres of vernal pool complex, 150 acres of alkali seasonal wetland complex, 8,100 acres of managed wetlands, and 50 acres of nontidal marsh. In addition, 8,000 acres of grasslands and 51,625 acres of cultivated lands will be protected and managed, which would likely include areas of seasonal wetlands, ponds, and agricultural ditches.

The Plan under Alternative 1A would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of waters of the U.S. and any indirect effects to wetlands and waters. As stated above, specific mitigation would be required to ensure that Alternative 1A does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of constructing Alternative 1A water conveyance facilities would be a substantial impact if not compensated for by wetland protection and/or restoration. This loss would represent either temporary or permanent removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 1A includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water. Through the course of the BDCP restoration program, this alternative would result in restoration of 65,000 acres of tidal and 1,200 acres of nontidal wetlands and open water. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1A (352 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

All mitigation proposed as compensatory mitigation would be subject to specific success criteria, success monitoring, long-term preservation, and long-term maintenance and monitoring pursuant to the requirements of the Mitigation Rule. All compensatory mitigation shall fully replace lost function through the mechanisms discussed below which will result in restoration and/or creation of habitat with at least as much function and value as those of the impacted habitat. In some cases, the mitigation habitat will afford significantly higher function and value than that of impacted habitat.

Compensation ratios are driven by type, condition, and location of replacement habitat as compared to type, condition and location of impacted habitat. Compensatory mitigation usually includes restoration, creation, or rehabilitation of aquatic habitat. The USACE does not typically accept preservation as the only form of mitigation; use of preservation as mitigation typically requires a very high ratio of replacement to impact. It is anticipated that ratios will be a minimum of 1:1, depending on the factors listed above.

Compensatory mitigation will consist of restoration, creation, and/or rehabilitation of aquatic habitat. Typically, impacted habitat will be replaced in-kind, although impacts on some habitat types such as agricultural ditches, conveyance channels, and Clifton Court Forebay, will be mitigated out-of-kind with higher functioning habitat types such as riparian wetland, marsh, and/or seasonal wetland. Compensatory mitigation shall be accomplished by one, or a combination of the following methods:

- Purchase credits for restored/created/rehabilitated habitat at an approved wetland mitigation bank;
- On-site (adjacent to the project footprint) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- On-site (adjacent to the project footprint) creation of aquatic habitat;
- Off-site (within the Delta) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- Off-site (within the Delta) creation of aquatic habitat; and/or

- Payment into the Corps' Fee-in-Lieu program.

Purchase of Credits or Payment into Fee-in-Lieu Program

It is envisioned that purchase of bank credits and/or payment into a fee-in-lieu program will be utilized for habitat types that would be difficult to restore or create within the Delta. Examples are vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types, and alkali seasonal wetland, which requires a specific set of chemical soil parameters. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-Site Restoration, Rehabilitation and/or Creation

Much of the Delta consists of degraded or converted habitat that is more or less functioning as upland. Opportunities will be sought where on-site restoration, rehabilitation, and/or creation could occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-Site Restoration, Rehabilitation and/or Creation

There exists, within the immediate vicinity of the project area, Delta land which has been subject to agricultural practices or other land uses which have degraded or even converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

Compensatory mitigation will result in no net loss of acreage of Waters of the U.S. and will accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functioning wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands are likely to function at significantly less than high levels, the compensatory mitigation will result in a significant net increase in wetland function.

Impact BIO-177: Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States

The habitat protection and restoration activities associated with Alternative 1A's other conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and waters of the ~~United States~~U.S. in the study area over the course of BDCP conservation action implementation. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures (CM2, CM4, and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in Chapter 5~~-~~, *Effects Analysis*, of the Draft BDCP~~of the BDCP~~.

Because the wetland delineation was only conducted within the Conveyance Planning Area and not the remainder of the Plan Area, the effects on potential wetlands and waters of the United States from CM2-CM10 were analyzed by looking at effects on wetland natural communities mapped within the theoretical footprints for CM2, CM4, and CM5 by assuming that 100% of the predominantly wetland natural communities listed in Appendix 12E found in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United

States under the CWA. Based on this approach approximately 19,850 acres of potentially jurisdictional wetlands and waters could be affected by CM2-CM10. The majority of these impacts are attributable to the conversion of 13,746 acres of managed wetland to tidal marsh under CM4, which would likely result in an improvement of wetland function in the Plan Area.

~~These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects. Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other waters of the United States. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated land) are not easily converted to effects on wetlands and other waters of the United States by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures.~~

***NEPA Effects*:** The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1A would be ~~in the range of 5,500 to 6,000 acres~~approximately 19,850 acres~~, assuming that 100% of the predominantly wetland natural communities listed in Table 12-1A-69 and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA~~. Most of these wetlands would be converted to tidal ~~and nontidal~~ wetlands and open water through implementation of CM4~~, and CM10~~. Although the increase in wetland acreage and wetland functions from these restoration actions could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that these effects are not adverse.~~The wetlands and open water created by these two restoration actions would be approximately 66,200 acres, far exceeding what is required under the no net loss policy used by the USACE in considering Section 404 permits, even if one were to assume that all conversions represented a functional wetland loss. Therefore, there would be a beneficial effect on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

***CEQA Conclusion*:** The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1A would be approximately 19,850 acres. Most of these wetlands would be converted to tidal wetlands and open water through implementation of CM4. In total, up to 76,721 acres of wetland natural communities would be restored under Alternative 1A. Although the increase in wetland acreage and wetland functions from this restoration could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that the impacts are reduced to a less-than-significant level.~~The permanent and temporary loss of potential jurisdictional wetlands as a result of implementing the other conservation measures (CM2–CM10) of Alternative 1A would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 1A includes conservation measures (CM4 and CM10) that would restore large acreages of both tidal and nontidal wetlands and open water in the study area. Over the life of the BDCP restoration program, this alternative would result in restoration of 66,200 acres of tidal and nontidal wetlands and open water, of which 19,550 acres would be restored in the first 10 years. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for~~

~~Alternative 1A (5,500–6,000 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

12.3.3.3 Alternative 1B—Dual Conveyance with East Alignment and Intakes 1–5 (15,000 cfs; Operational Scenario A)

General Terrestrial Biology Effects

Wetlands and Other Waters of the United States

Alternative 1B actions would both permanently and temporarily remove or convert wetlands and open water that ~~is potentially jurisdictional as~~are regulated by the USACE under Section 404 of the CWA. The 404 regulations and relevant information on mitigation the effects of impact to wetlands and waters of the United States (U.S.) are described in Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The following two impacts address the project-level effects of CM1 on these potential wetlands and waters, and the programmatic-level effects of other relevant conservation actions (CM2–CM10). CM11–~~CM22~~ CM21 would not directly result in loss or conversion of wetlands or other waters of the ~~United States~~U.S. The methods used to conduct these analyses are described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The waters of the U.S. data used for this analysis is based on a verified wetland delineation from the USACE that was completed in early 2015. These waters of the U.S. were mapped at finer scale than that which was done for the natural community mapping for the BDCP and therefor the acreages of these two datasets differ when compared to each other. The waters of the U.S. mapping identified numerous agricultural ditches and seasonal wetlands occurring within and associated with cultivated lands, which explains the majority of the difference.~~of this chapter.~~

Impact BIO-176: Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States

Alternative 1B proposes the construction, maintenance, and operation of water conveyance facilities within, or requiring the unavoidable fill of, waters of the U.S. The estimated fill of jurisdictional waters associated with this alternative is described in Table 12-1B-69 below. ~~Construction of the Alternative 1B water conveyance facilities would both temporarily and permanently remove potential wetlands and other waters of the United States as regulated by Section 404 of the CWA (Table 12-1B-69).~~ Based on the methodology used to conduct this analysis, the losses would occur at pipeline, canal and intake areas, borrow/spoil storage sites, transmission corridors, forebay site, and multiple temporary work areas associated with the construction activity. The permanent open water and wetland losses ~~(346 acres)~~ would occur at scattered locations along the water conveyance facility alignment, with the majority caused by construction of Alternative 1B's five intake structures along the eastern bank of the Sacramento River between Freeport and Courtland in the north Delta (including associated spoil/borrow areas), along the entire canal route in the east Delta, and at the Byron forebay site in the south Delta. The temporary open water and wetland effects ~~(206 acres)~~ would also occur mainly at the five intake construction sites along the eastern bank of the Sacramento River, and at temporary siphon work areas where the canal crosses under eastern Delta sloughs and waterways.

Table 12-1B-69. Estimated Fill of Waters of the U.S. Associated with the Construction of Water Conveyance Facilities under Alternative 1B (acres)~~Loss of Potential Wetlands and Other Waters of the United States from Construction of Alternative 1B Water Conveyance Facilities~~

Wetland/Water Type	Permanent Impact	Temporary Impacts Treated as Permanent[1]	Temporary Impact	Total Impact
Agricultural Ditch	228.0	31.1	0	259.1
Alkaline Wetland	0.1	0	0	0.1
Clifton Court Forebay	1.0	0	0	1.0
Conveyance Channel	12.7	1.1	0	13.8
Depression	35.1	1.9	0	37.0
Emergent Wetland	77.6	20.0	0	97.6
Forest	9.3	6.9	0	16.2
Lake	0.2	0.3	0	0.5
Scrub-Shrub	13.8	12.2	0	26.0
Seasonal Wetland	177.5	0	0	177.5
Tidal Channel	28.1	146.3	0	174.3
Vernal Pool	0	0	0	0
Total	583	220	0	803

~~Wetland/Other Water Type[a]~~	~~Permanent~~	~~Temporary~~	~~Total~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~239~~	~~27~~	~~266~~
~~Muted Tidal Flow~~	~~6~~	~~0~~	~~6~~
~~Tidal Flow~~	~~20~~	~~141~~	~~161~~
~~Pond or Lake (nontidal)~~	~~33~~	~~2~~	~~35~~
~~Clifton Court Forebay~~	~~1~~	~~0~~	~~1~~
~~**Wetland**~~			
~~Nontidal Wetland~~	~~42~~	~~11~~	~~53~~
~~Tidal Wetland~~	~~5~~	~~25~~	~~30~~
~~Seasonal Wetland~~	~~<1~~	~~0~~	~~<1~~
~~**Total Impact Acres**~~	~~**346**~~	~~**206**~~	~~**552**~~

[a] ~~Wetland types are described in the methods section of this chapter (Section 12.3.2.4).~~
~~Source: California Department of Water Resources 2013.~~

The majority of the impacts on wetlands and waters of U.S. are to wetlands found within cultivated lands (mostly agricultural ditches and seasonal wetlands), tidal channel, and emergent wetlands. These impacts mostly result from reusable tunnel material areas, canal construction, and siphon work areas. The impacted seasonal wetlands mapped within the Conveyance Planning Area, as described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, all occur in the central Delta within plowed agricultural fields.

[1] Temporary impacts treated as permanent are temporary impacts expected to last over one year. These impact sites will eventually be restored to pre-project conditions; however, due to the duration of effect, compensatory mitigation will be included for these areas.

Unavoidable impacts on waters of the United States would be offset such that the loss of acreage and functions due to construction activities are fully compensated. Wetland functions are defined as a process or series of processes that take place within a wetland. These include the storage of water, transformation of nutrients, growth of living matter, and diversity of wetland plants, and they have value for the wetland itself, for surrounding ecosystems, and for people. Functions can be grouped broadly as habitat, hydrologic/hydraulic, or water quality. Not all wetlands perform all functions nor do they perform all functions equally well. The location and size of a wetland may determine what functions it will perform. For example, the geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine its hydrologic/hydraulic or water-quality functions. Many factors determine how well a wetland will perform these functions: climatic conditions, quantity and quality of water entering the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem. Wetland disturbances may be the result of natural conditions, such as an extended drought, or human activities, such as land clearing, dredging, or the introduction of nonnative species. Wetlands are among the most productive habitats in the world, providing food, water, and shelter for fish, shellfish, birds, and mammals, and serving as a breeding ground and nursery for numerous species. Many endangered plant and animal species are dependent on wetland habitats for their survival. Hydrologic and hydraulic functions are those related to the quantity of water that enters, is stored in, or leaves a wetland. These functions include such factors as the reduction of flow velocity, the role of wetlands as ground-water recharge or discharge areas, and the influence of wetlands on atmospheric processes. Water-quality functions include the trapping of sediment, pollution control, and the biochemical processes that take place as water enters, is stored in, or leaves a wetland.

The functions of the waters of the U.S. that will be temporarily or permanently impacted by this alternative vary greatly depending primarily on existing land uses and historical levels of disturbance. Generally, agricultural ditches and conveyance channels, which are regularly maintained and often devoid of vegetation, support only minimal hydraulic function (water conveyance), with virtually no water quality or habitat function. With respect to Clifton Court Forebay, the facility is regularly maintained, but supports some hydrologic, hydraulic, and water quality functions (e.g. reduction of velocity, groundwater recharge, and trapping of sediment). Tidal channels affected by this alternative support functions in all three categories, but the level at which these functions perform vary depending on setting, size, and level of disturbance. The alkaline wetlands and vernal pools exist in non-native grasslands and have been subjected to some disturbance due to past land uses. Although these features likely support habitat, water quality, and hydrologic/hydraulic functions, the capacity of these features to perform such functions vary depending on the overall ecological setting and level of disturbance. Functions associated with emergent wetland, forest, and scrub-shrub, depend primarily on the location of these habitat types. Where they exist as in-stream (in-channel islands) or as the thick band of habitat adjacent to a waterway, these features are expected to function at a high level. However, where these habitats exist as thin bands, or where they are situated in agricultural fields, their habitat functions will be considerably lower. All of the wetlands classified as seasonal wetlands occur in agricultural fields. As such, their habitat functions have been greatly compromised, but they retain some water quality and hydrologic/hydraulic function. Like seasonal wetlands, most depressions occur within agricultural areas; however the depressions may support wetland vegetation at their edges. The areas mapped as lake are the dredged borrow ponds created during the construction of Interstate 5. Although relatively small, each lake is likely performing functions from all three categories.

A functional assessment of wetlands proposed for fill will be conducted during the development of the Conceptual Mitigation Plan as part of the Clean Water Act permitting process. The results of this assessment will be compared to the expected functions at the proposed mitigation site(s) such that it can be confirmed that the compensatory mitigation will in fact accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functional compensatory wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands will be significantly less than high function, the compensatory mitigation will result in a net increase in wetland function.

Alternative 1B was designed to avoid waters of the U.S, to the maximum extent practicable. Each of the conveyance components has been located in upland areas where it was feasible to do so. Once construction begins, specific measures will be implemented, as described in the AMMs set out in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS (AMM6), to further avoid and minimize effects to waters of the U.S. as well as to special-status species. The AMMs will be implemented at all phases of a project, from siting through design, construction, and on to operations and maintenance. The AMMs that pertain specifically to waters of the U.S. are AMM1 *Worker Awareness Training*, AMM2 *Construction Best Management Practices and Monitoring*, AMM3 *Stormwater Pollution Prevention Plan*, AMM4 *Erosion and Sediment Control Plan*, AMM5 *Spill Prevention, Containment, and Countermeasure Plan*, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 *Barge Operations Plan*, AMM10 *Restoration of Temporarily Affected Natural Communities*, AMM12 *Vernal Pool Crustaceans*, AMM30 *Transmission Line Design and Alignment Guidelines*, AMM34 *Construction Site Security*, and AMM36 *Notification of Activities in Waterways*.

The implementation of measures to avoid and minimize impacts on habitat for aquatic species and species which utilize aquatic habitats, such as California tiger salamander, giant garter snake, California red legged frog, western pond turtle, riparian woodrat, and riparian brush rabbit, will also result in further avoidance and minimization of effects to waters of the United States.

Aside from wetland habitats that would be created as a result of implementing CMs 4-10, some of which could serve the dual purpose of offsetting effects to species and mitigating impacts on waters of the U.S., more specific mitigation is required to ensure that there is no net loss of wetland functions and values as a result of implementing Alternative 1B pursuant to USACE's and U.S. EPA's Mitigation Rule (see Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions* of this RDEIR/SDEIS). Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.* would be available to address adverse impacts on waters of the U.S.

***NEPA Effects*:** The permanent and temporary loss of these ~~potential~~ jurisdictional wetlands and waters as a result of constructing Alternative 1B water conveyance facilities would be a substantial effect if not compensated by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands as defined by Section 404 of the CWA. ~~However, Alternative 1B includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water in the study area.~~

~~Through the course of the BDCP restoration program, Alternative 1B would restore 65,000 acres of tidal and 1,200 acres of nontidal wetland or open water.~~ The Plan under Alternative 1B would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters. ~~Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland~~

~~restoration would occur during this time period, thereby offsetting the impacts of CM1 construction.~~ Specific mitigation would be required to ensure that Alternative 1B does not result in a loss of functions and values of waters of the U.S. and thus that the affect is not adverse. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce these effects such that they are not adverse.~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1B (552 acres). Therefore, there would be an overall beneficial effect on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

***CEQA Conclusion*:** The permanent and temporary loss of these jurisdictional wetlands and waters of the U.S. as a result of constructing Alternative 1B water conveyance facilities would be a significant impact. Specific mitigation would be required to ensure that Alternative 1B does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level. Alternative 1B does propose to restore up to 76,721 acres of wetland natural communities under the Plan, which would include 65,000 acres of tidal marsh restoration (CM4), 10,000 acres of seasonally inundated floodplain restoration (CM5), 21 acres of vernal pool/alkali seasonal wetlands (CM9; 67 acres of vernal pool complex and 72 acres of alkali seasonal wetland complex assuming a wetland density of 15%), and 1,700 acres of nontidal marsh restoration (CM10). In addition, Alternative 1B would restore 5,000 acres of riparian habitat (CM7), some portion of which may also qualify as forested or scrub-shrub wetland. In addition, 20 miles of levees will have channel margin enhancement conducted on them (CM6), which would include improving channel geometry and restoring riparian, marsh, and mudflat habitats on the water side of levees. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 20,065 acres of this wetland restoration would occur during this time period

The success in implementing these Conservation Measures would be assured through effectiveness monitoring, which includes success criteria, and adaptive management as outlined in the *Adaptive Management and Monitoring* sections of the Draft BDCP for tidal marsh restoration (Draft BDCP Section 3.4.4.4), seasonal floodplain restoration (Draft BDCP Section 3.4.5.4), channel margin enhancement (Draft BDCP Section 3.4.6.4), valley/foothill riparian restoration (Draft BDCP Section 3.4.7.4), vernal pool and alkali seasonal wetland complex restoration (Draft BDCP Section 3.4.9.4), and nontidal marsh restoration (Draft BDCP Section 3.4.10.3). All restored areas will be secured in fee-title or through conservation easements.

Alternative 1B would also result in the protection and management of the following natural communities that contain wetlands: 750 acres of valley/foothill riparian, 600 acres of vernal pool complex, 150 acres of alkali seasonal wetland complex, 8,100 acres of managed wetlands, and 50 acres of nontidal marsh. In addition, 8,000 acres of grasslands and 51,625 acres of cultivated lands will be protected and managed, which would likely include areas of seasonal wetlands, ponds, and agricultural ditches.

The Plan under Alternative 1B would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of waters of the U.S. and any indirect effects to wetlands and waters.. As stated above, specific mitigation would be required to ensure that Alternative 1B does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level.

Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

All mitigation proposed as compensatory mitigation would be subject to specific success criteria, success monitoring, long-term preservation, and long-term maintenance and monitoring pursuant to the requirements of the Mitigation Rule. All compensatory mitigation shall fully replace lost function through the mechanisms discussed below which will result in restoration and/or creation of habitat with at least as much function and value as those of the impacted habitat. In some cases, the mitigation habitat will afford significantly higher function and value than that of impacted habitat.

Compensation ratios are driven by type, condition, and location of replacement habitat as compared to type, condition and location of impacted habitat. Compensatory mitigation usually includes restoration, creation, or rehabilitation of aquatic habitat. The USACE does not typically accept preservation as the only form of mitigation; use of preservation as mitigation typically requires a very high ratio of replacement to impact. It is anticipated that ratios will be a minimum of 1:1, depending on the factors listed above.

Compensatory mitigation will consist of restoration, creation, and/or rehabilitation of aquatic habitat. Typically, impacted habitat will be replaced in-kind, although impacts on some habitat types such as agricultural ditches, conveyance channels, and Clifton Court Forebay, will be mitigated out-of-kind with higher functioning habitat types such as riparian wetland, marsh, and/or seasonal wetland. Compensatory mitigation shall be accomplished by one, or a combination of the following methods:

- Purchase credits for restored/created/rehabilitated habitat at an approved wetland mitigation bank;
- On-site (adjacent to the project footprint) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- On-site (adjacent to the project footprint) creation of aquatic habitat;
- Off-site (within the Delta) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- Off-site (within the Delta) creation of aquatic habitat; and/or
- Payment into the Corps' Fee-in-Lieu program.

Purchase of Credits or Payment into Fee-in-Lieu Program

It is envisioned that purchase of bank credits and/or payment into a fee-in-lieu program will be utilized for habitat types that would be difficult to restore or create within the Delta. Examples are vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types, and alkali seasonal wetland, which requires a specific set of chemical soil parameters. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-Site Restoration, Rehabilitation and/or Creation

Much of the Delta consists of degraded or converted habitat that is more or less functioning as upland. Opportunities will be sought where on-site restoration, rehabilitation, and/or creation could occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-Site Restoration, Rehabilitation and/or Creation

There exists, within the immediate vicinity of the project area, Delta land which has been subject to agricultural practices or other land uses which have degraded or even converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

Compensatory mitigation will result in no net loss of acreage of Waters of the U.S. and will accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functioning wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands are likely to function at significantly less than high levels, the compensatory mitigation will result in a significant net increase in wetland function.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of constructing Alternative 1B water conveyance facilities would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent either temporary or permanent removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 1B includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water. Through the course of the BDCP restoration program, this alternative would result in restoration of 65,000 acres of tidal and 1,200 acres of nontidal wetlands and open water. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1B (552 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

Impact BIO-177: Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States

The habitat protection and restoration activities associated with Alternative 1B's other conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and w~~W~~aters of the ~~US~~ U.S. in the study area over the course of BDCP conservation action implementation. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures (CM2, CM4 and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in Chapter 5, *Effects Analysis*, of the Draft BDCP ~~of the BDCP~~.

Because the wetland delineation was only conducted within the Conveyance Planning Area and not the remainder of the Plan Area, the effects on potential wetlands and waters of the United States from CM2-CM10 were analyzed by looking at effects on wetland natural communities mapped within the theoretical footprints for CM2, CM4, and CM5 by assuming that 100% of the predominantly wetland natural communities listed in Appendix 12E found in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA. Based on this approach approximately 19,850 acres of potentially jurisdictional wetlands and waters could be affected by CM2-CM10. The majority of these impacts are attributable to the conversion of 13,746 acres of managed wetland to tidal marsh under CM4, which would likely result in an improvement of wetland function in the Plan Area.~~These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects. Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other waters of the United States. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated land) are not easily converted to effects on wetlands and other Waters of the US by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures.~~

NEPA Effects: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1B would be approximately 19,850 acres~~in the range of 5,500 to 6,000 acres, assuming that 100 percent of the predominantly wetland natural communities listed in Table 12-1B-69 and that 10 percent of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA~~. Most of these wetlands would be converted to tidal ~~and nontidal~~ wetlands and open water through implementation of CM4~~, and CM10~~. Although the increase in wetland acreage and wetland functions from these restoration actions could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that these effects are not adverse.~~The wetlands and open water created by these two restoration actions would be approximately 66,200 acres, far exceeding what is required under the no net loss policy used by the USACE in considering Section 404 permits, even if one were to assume that all conversions represented a functional wetland loss. Therefore, there would be a beneficial effect on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

CEQA Conclusion: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1B would be approximately 19,850 acres. Most of these wetlands would be converted to tidal wetlands and open water through implementation of CM4. In total, up to 76,721 acres of wetland natural communities would be restored under Alternative 1B. Although the increase in wetland acreage and wetland functions from these restoration could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that the impacts are reduced to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of implementing the other conservation measures (CM2–CM10) of Alternative 1B would be a significant adverse impact if not compensated for by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands or other waters of the United States as defined by Section~~

~~404 of the CWA. However, Alternative 1B includes conservation measures (CM4 and CM10) that would restore large acreages of both tidal and nontidal wetlands and open water in the study area. Over the life of the BDCP restoration program, this alternative would result in restoration of 66,200 acres of tidal and nontidal wetlands and open water, of which 19,550 acres would be restored in the first 10 years. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1B (5,500–6,000 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

12.3.3.4 Alternative 1C—Dual Conveyance with West Alignment and Intakes W1–W5 (15,000 cfs; Operational Scenario A)

General Terrestrial Biology

Wetlands and Other Waters of the United States

Alternative 1C actions would both permanently and temporarily remove or convert wetlands and open water that ~~is potentially jurisdictional as~~are regulated by USACE under Section 404 of the CWA. The 404 regulations and relevant information on mitigation the effects of impact to wetlands and waters of the United States (U.S.) are described in Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The following two impacts address the project-level effects of CM1 on these potential wetlands and waters, and the programmatic-level effects of other relevant conservation actions (CM2–CM10). CM11–~~CM22~~ CM21 would not directly result in loss or conversion of wetlands or other waters of the ~~United States~~U.S. The methods used to conduct these analyses are described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The waters of the U.S. data used for this analysis is based on a verified wetland delineation from the USACE that was completed in early 2015. These waters of the U.S. were mapped at finer scale than that which was done for the natural community mapping for the BDCP and therefor the acreages of these two datasets differ when compared to each other. The waters of the U.S. mapping identified numerous agricultural ditches and seasonal wetlands occurring within and associated with cultivated lands, which explains the majority of the difference.~~of this chapter~~.

Impact BIO-176: Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States

Alternative 1C proposes the construction, maintenance, and operation of water conveyance facilities within, or requiring the unavoidable fill of, waters of the U.S. The estimated fill of jurisdictional waters associated with this alternative is described in Table 12-1C-69 below.~~Construction of the Alternative 1C water conveyance facilities would both temporarily and permanently remove potential wetlands and other waters of the United States as regulated by Section 404 of the CWA (Table 12-1C-69).~~ Based on the methodology used to conduct this analysis, these losses would occur at pipeline, canal and intake areas, RTM and borrow/spoil storage sites, transmission corridors, forebay site, and multiple temporary work areas associated with the construction activity. The permanent open water and wetland losses ~~(416 acres)~~ would occur at various locations along the water conveyance facility alignment, but the majority of the loss would occur due to construction of Alternative 1C's five intake structures along the western bank of the Sacramento River from just north of Clarksburg to Courtland in the north Delta (including associated spoil/borrow areas), along the entire canal route in the west and south Delta, and at the southern forebay site in the south Delta. The temporary open water and wetland effects ~~(217 acres)~~ would also occur mainly at the five intake construction sites along the western bank of the Sacramento River, at temporary siphon work areas where the canal crosses under north and west Delta sloughs and waterways, and at barge offloading sites in the west Delta.

Table 12-1C-69. Estimated Fill of Waters of the U.S. Associated with the Construction of Water Conveyance Facilities under Alternative 1C (acres)~~Loss of Potential Wetlands and Other Waters of the United States from Construction of Alternative 1C Water Conveyance Facilities~~

Wetland/Water Type	Permanent Impact	Temporary Impacts Treated as Permanent[1]	Temporary Impact	Total Impact
Agricultural Ditch	242.4	57.1	0	299.5
Alkaline Wetland	55.6	9.4	0	65.0
Clifton Court Forebay	0	0	0	0
Conveyance Channel	15.2	14.3	0	29.5
Depression	3.7	1.3	0	5.0
Emergent Wetland	116.9	24.3	0	141.2
Forest	1.6	14.4	0	16.0
Lake	0.2	3.7	0	3.9
Natural Channel	0.1	0.1	0	0.2
Scrub-Shrub	3.0	4.5	0	7.5
Seasonal Wetland	67.0	20.8	0	87.7
Tidal Channel	27.1	116.5	0	143.6
Vernal Pool	0.1	0	0	0.1
Total	533	266	0	799

~~Wetland/Other Water Type[a]~~	~~Permanent~~	~~Temporary~~	~~Total~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~254~~	~~60~~	~~314~~
~~Muted Tidal Flow~~	~~0~~	~~0~~	~~0~~
~~Tidal Flow~~	~~24~~	~~116~~	~~140~~
~~Pond or Lake (nontidal)~~	~~39~~	~~5~~	~~44~~
~~Clifton Court Forebay~~	~~0~~	~~0~~	~~0~~
~~**Wetland**~~			
~~Nontidal Wetland~~	~~84~~	~~17~~	~~101~~
~~Tidal Wetland~~	~~3~~	~~13~~	~~16~~
~~Seasonal Wetland~~	~~12~~	~~6~~	~~18~~
~~**Total Impact Acres**~~	~~**416**~~	~~**217**~~	~~**633**~~

~~[a] Wetland types are described in the methods section of this chapter (Section 12.3.2.4).~~
~~Source: California Department of Water Resources 2013.~~

The majority of the impacts on wetlands and waters of U.S. are on wetlands and waters found within cultivated lands (agricultural ditches and seasonal wetlands), emergent wetlands, and tidal channels. These impacts mostly result from reusable tunnel material storage area, the construction of the canal, siphon work areas, and intake work areas. The impacted seasonal wetlands mapped

[1] Temporary impacts treated as permanent are temporary impacts expected to last over one year. These impact sites will eventually be restored to pre-project conditions; however, due to the duration of effect, compensatory mitigation will be included for these areas.

within the Conveyance Planning Area, as described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, all occur in the central Delta within plowed agricultural fields.

Unavoidable impacts on waters of the United States would be offset such that the loss of acreage and functions due to construction activities are fully compensated. Wetland functions are defined as a process or series of processes that take place within a wetland. These include the storage of water, transformation of nutrients, growth of living matter, and diversity of wetland plants, and they have value for the wetland itself, for surrounding ecosystems, and for people. Functions can be grouped broadly as habitat, hydrologic/hydraulic, or water quality. Not all wetlands perform all functions nor do they perform all functions equally well. The location and size of a wetland may determine what functions it will perform. For example, the geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine its hydrologic/hydraulic or water-quality functions. Many factors determine how well a wetland will perform these functions: climatic conditions, quantity and quality of water entering the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem. Wetland disturbances may be the result of natural conditions, such as an extended drought, or human activities, such as land clearing, dredging, or the introduction of nonnative species. Wetlands are among the most productive habitats in the world, providing food, water, and shelter for fish, shellfish, birds, and mammals, and serving as a breeding ground and nursery for numerous species. Many endangered plant and animal species are dependent on wetland habitats for their survival. Hydrologic and hydraulic functions are those related to the quantity of water that enters, is stored in, or leaves a wetland. These functions include such factors as the reduction of flow velocity, the role of wetlands as ground-water recharge or discharge areas, and the influence of wetlands on atmospheric processes. Water-quality functions include the trapping of sediment, pollution control, and the biochemical processes that take place as water enters, is stored in, or leaves a wetland.

The functions of the waters of the U.S. that will be temporarily or permanently impacted by this alternative vary greatly depending primarily on existing land uses and historical levels of disturbance. Generally, agricultural ditches and conveyance channels, which are regularly maintained and often devoid of vegetation, support only minimal hydraulic function (water conveyance), with virtually no water quality or habitat function. With respect to Clifton Court Forebay, the facility is regularly maintained, but supports some hydrologic, hydraulic, and water quality functions (e.g. reduction of velocity, groundwater recharge, and trapping of sediment). Tidal channels affected by this alternative support functions in all three categories, but the level at which these functions perform vary depending on setting, size, and level of disturbance. The alkaline wetlands and vernal pools exist in non-native grasslands and have been subjected to some disturbance due to past land uses. Although these features likely support habitat, water quality, and hydrologic/hydraulic functions, the capacity of these features to perform such functions vary depending on the overall ecological setting and level of disturbance. Functions associated with emergent wetland, forest, and scrub-shrub, depend primarily on the location of these habitat types. Where they exist as in-stream (in-channel islands) or as the thick band of habitat adjacent to a waterway, these features are expected to function at a high level. However, where these habitats exist as thin bands, or where they are situated in agricultural fields, their habitat functions will be considerably lower. All of the wetlands classified as seasonal wetlands occur in agricultural fields. As such, their habitat functions have been greatly compromised, but they retain some water quality and hydrologic/hydraulic function. Like seasonal wetlands, most depressions occur within agricultural areas; however the depressions may support wetland vegetation at their edges. The areas mapped as lake are the dredged borrow ponds created during the construction of Interstate 5. Although relatively small, each lake is likely performing functions from all three categories.

A functional assessment of wetlands proposed for fill will be conducted during the development of the Conceptual Mitigation Plan as part of the Clean Water Act permitting process. The results of this assessment will be compared to the expected functions at the proposed mitigation site(s) such that it can be confirmed that the compensatory mitigation will in fact accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functional compensatory wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands will be significantly less than high function, the compensatory mitigation will result in a net increase in wetland function.

Alternative 1C was designed to avoid waters of the U.S, to the maximum extent practicable. Each of the conveyance components has been located in upland areas where it was feasible to do so. Once construction begins, specific measures will be implemented, as described in the AMMs set out in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS (AMM6), to further avoid and minimize effects to waters of the U.S. as well as to special-status species. The AMMs will be implemented at all phases of a project, from siting through design, construction, and on to operations and maintenance. The AMMs that pertain specifically to waters of the U.S. are AMM1 *Worker Awareness Training*, AMM2 *Construction Best Management Practices and Monitoring*, AMM3 *Stormwater Pollution Prevention Plan*, AMM4 *Erosion and Sediment Control Plan*, AMM5 *Spill Prevention, Containment, and Countermeasure Plan*, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 *Barge Operations Plan*, AMM10 *Restoration of Temporarily Affected Natural Communities*, AMM12 *Vernal Pool Crustaceans*, AMM30 *Transmission Line Design and Alignment Guidelines*, AMM34 *Construction Site Security*, and AMM36 *Notification of Activities in Waterways*.

The implementation of measures to avoid and minimize impacts on habitat for aquatic species and species which utilize aquatic habitats, such as California tiger salamander, giant garter snake, California red legged frog, western pond turtle, riparian woodrat, and riparian brush rabbit, will also result in further avoidance and minimization of effects to waters of the United States.

Aside from wetland habitats that would be created as a result of implementing CMs 4-10,, some of which could serve the dual purpose of offsetting effects to species and mitigating impacts on waters of the U.S., more specific mitigation is required to ensure that there is no net loss of wetland functions and values as a result of implementing Alternative 1C pursuant to USACE's and U.S. EPA's Mitigation Rule (see Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions* of this RDEIR/SDEIS). Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.* would be available to address adverse impacts on waters of the U.S.

NEPA Effects: The permanent and temporary loss of these ~~potential~~ jurisdictional wetlands and waters as a result of constructing Alternative 1C water conveyance facilities would be a substantial effect if not compensated by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands as defined by Section 404 of the CWA. ~~However, Alternative 1C includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water in the study area. Through the course of the BDCP restoration program, this alternative would restore 65,000 acres of tidal and 1,200 acres of nontidal wetland or open water.~~ Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period~~, thereby offsetting the impacts of CM1 construction~~. The Plan under Alternative 1C would implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters. Specific mitigation would be required to ensure that Alternative 1C does not result in a loss of functions and values of waters of the U.S. and thus that the affect is not adverse. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce these effects such that they are not adverse.~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1C (633 acres). Therefore, there would be an overall beneficial effect on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

CEQA Conclusion: The permanent and temporary loss of ~~potential~~ jurisdictional wetlands and waters as a result of constructing Alternative 1C water conveyance facilities would be substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent either temporary or permanent removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. Specific mitigation would be required to ensure that Alternative 1C does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level. Alternative1C does propose to restore up to 76,721 acres of wetland natural communities under the Plan, which would include 65,000 acres of tidal marsh restoration (CM4), 10,000 acres of seasonally inundated floodplain restoration (CM5), 21 acres of vernal pool/alkali seasonal wetlands (CM9; 67 acres of vernal pool complex and 72 acres of alkali seasonal wetland complex assuming a wetland density of 15%), and 1,700 acres of nontidal marsh restoration (CM10). In addition, Alternative 1C would restore 5,000 acres of riparian habitat (CM7), some portion of which may also qualify as forested or scrub-shrub wetland. In addition, 20 miles of levees will have channel margin enhancement conducted on them (CM6), which would include improving channel geometry and restoring riparian, marsh, and mudflat habitats on the water side of levees.

The success in implementing these Conservation Measures would be assured through effectiveness monitoring, which includes success criteria, and adaptive management as outlined in the *Adaptive Management and Monitoring* sections of the Draft BDCP for tidal marsh restoration (Draft BDCP Section 3.4.4.4), seasonal floodplain restoration (Draft BDCP Section 3.4.5.4), channel margin enhancement (Draft BDCP Section 3.4.6.4), valley/foothill riparian restoration (Draft BDCP Section 3.4.7.4), vernal pool and alkali seasonal wetland complex restoration (Draft BDCP Section 3.4.9.4), and nontidal marsh restoration (Draft BDCP Section 3.4.10.3). All restored areas will be secured in fee-title or through conservation easements.

Alternative 1C would also result in the protection and management of the following natural communities that contain wetlands: 750 acres of valley/foothill riparian, 600 acres of vernal pool complex, 150 acres of alkali seasonal wetland complex, 8,100 acres of managed wetlands, and 50 acres of nontidal marsh. In addition, 8,000 acres of grasslands and 51,625 acres of cultivated lands will be protected and managed, which would likely include areas of seasonal wetlands, ponds, and agricultural ditches.

~~However, Alternative 1C includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water. Through the course of the BDCP restoration program, this alternative would result in restoration of 65,000 acres of tidal and 1,200 acres of nontidal wetlands and open water.~~ The Plan under Alternative 1C would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters. ~~Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction~~. As stated above, specific mitigation would be required to ensure that Alternative 1C does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level.~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1C (633 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from BDCP implementation.~~

Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

All mitigation proposed as compensatory mitigation would be subject to specific success criteria, success monitoring, long-term preservation, and long-term maintenance and monitoring pursuant to the requirements of the Mitigation Rule. All compensatory mitigation shall fully replace lost function through the mechanisms discussed below which will result in restoration and/or creation of habitat with at least as much function and value as those of the impacted habitat. In some cases, the mitigation habitat will afford significantly higher function and value than that of impacted habitat.

Compensation ratios are driven by type, condition, and location of replacement habitat as compared to type, condition and location of impacted habitat. Compensatory mitigation usually includes restoration, creation, or rehabilitation of aquatic habitat. The USACE does not typically accept preservation as the only form of mitigation; use of preservation as mitigation typically requires a very high ratio of replacement to impact. It is anticipated that ratios will be a minimum of 1:1, depending on the factors listed above.

Compensatory mitigation will consist of restoration, creation, and/or rehabilitation of aquatic habitat. Typically, impacted habitat will be replaced in-kind, although impacts on some habitat types such as agricultural ditches, conveyance channels, and Clifton Court Forebay, will be mitigated out-of-kind with higher functioning habitat types such as riparian wetland, marsh, and/or seasonal wetland. Compensatory mitigation shall be accomplished by one, or a combination of the following methods:

- Purchase credits for restored/created/rehabilitated habitat at an approved wetland mitigation bank;
- On-site (adjacent to the project footprint) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- On-site (adjacent to the project footprint) creation of aquatic habitat;
- Off-site (within the Delta) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- Off-site (within the Delta) creation of aquatic habitat; and/or
- Payment into the Corps' Fee-in-Lieu program.

Purchase of Credits or Payment into Fee-in-Lieu Program

It is envisioned that purchase of bank credits and/or payment into a fee-in-lieu program will be utilized for habitat types that would be difficult to restore or create within the Delta. Examples are vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types, and alkali seasonal wetland, which requires a specific set of chemical soil parameters. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-Site *Restoration*, Rehabilitation and/or Creation

Much of the Delta consists of degraded or converted habitat that is more or less functioning as upland. Opportunities will be sought where on-site restoration, rehabilitation, and/or creation could occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-Site *Restoration*, Rehabilitation and/or Creation

There exists, within the immediate vicinity of the project area, Delta land which has been subject to agricultural practices or other land uses which have degraded or even converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

Compensatory mitigation will result in no net loss of acreage of Waters of the U.S. and will accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functioning wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands are likely to function at significantly less than high levels, the compensatory mitigation will result in a significant net increase in wetland function.

Impact BIO-177: Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States

The habitat protection and restoration activities associated with Alternative 1C's other conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and other waters of the ~~United States~~U.S. in the study area during the course of BDCP conservation action implementation. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures (CM2, CM4, and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in Chapter 5~~-~~, *Effects Analysis*, of the Draft BDCP~~of the BDCP~~.

Because the wetland delineation was only conducted within the Conveyance Planning Area and not the remainder of the Plan Area, the effects on potential wetlands and waters of the United States from CM2-CM10 were analyzed by looking at effects on wetland natural communities mapped within the theoretical footprints for CM2, CM4, and CM5 by assuming that 100% of the predominantly wetland natural communities listed in Appendix 12E found in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA. Based on this approach approximately 19,850 acres of potentially jurisdictional wetlands and waters could be affected by CM2-CM10. The majority of these impacts are attributable to the conversion of 13,746 acres of managed wetland to tidal marsh under CM4, which would likely result in an improvement of wetland function in the Plan Area.

~~These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects. Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other waters of the United States. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated land) are not easily converted to effects on wetlands and other Waters of the US by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures.~~

NEPA Effects: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1C would be approximately 19,850 acres~~in the range of 5,500 to 6,000 acres~~, ~~assuming that 100 percent of the predominantly wetland natural communities listed in Table 12-1C-69 and that 10 percent of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA~~. Most of these wetlands would be converted to tidal ~~and nontidal~~ wetlands and open water through implementation of CM4~~ and CM10~~. Although the increase in wetland acreage and wetland functions from these restoration actions could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that these effects are not adverse.~~The wetlands and open water created by these two restoration actions would be approximately 66,200 acres, far exceeding what is required under the no net loss policy used by the USACE in considering Section 404 permits, even if one were to assume that all conversions represented a functional wetland loss. Therefore, there would be a beneficial effect on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

CEQA Conclusion: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 1C would be approximately 19,850 acres. Most of these wetlands would be converted to tidal wetlands and open water through implementation of CM4. In total, up to 76,721 acres of wetland natural communities would be restored under Alternative 1C. Although the increase in wetland acreage and wetland functions from these restoration could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that the impacts are reduced to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of implementing the other conservation measures (CM2–CM10) of Alternative 1C would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 1C includes conservation measures (CM4 and CM10) that would restore large acreages of both tidal and nontidal wetlands and open water in the study area. Over the life of the BDCP restoration program, this alternative would result in restoration of 66,200 acres of tidal and nontidal wetlands and open water, of which 19,550 acres would be restored in the first 10~~

~~years. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 1C (5,500–6,000 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10.~~

12.3.3.5 Alternative 2A—Dual Conveyance with Pipeline/Tunnel and Five Intakes (15,000 cfs; Operational Scenario B)

Comparative Differences in CM1 Construction Effects for Alternatives 1A and 2A

Due to the change in location of the two intakes and their associated pumps and pipelines, Alternative 2A would create minor differences in the permanent and temporary loss of natural communities and cultivated lands during water conveyance facilities construction when compared with Alternative 1A (Table 12-2A-1). All of these differences would occur during the near-term timeframe associated with water facilities construction. Alternative 2A would permanently remove 3 fewer acres of valley/foothill riparian habitat along the Sacramento River, 7 acres more of grassland and 14 acres more of cultivated land in the same area when compared to Alternative 1A. Alternative 2A would also permanently affect a larger acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~1~~ 2 acres more; see Table 12-2A-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

During the water conveyance facilities construction process, Alternative 2A would involve slightly more temporary loss of habitat when compared with Alternative 1A because of the lengthy pipelines needed to serve Intakes 6 and 7. The differences would include cultivated lands east of the river (492 acres more), tidal perennial aquatic within the river channel (7 acres more), valley/foothill riparian along the river levee(4 acres more), and grassland along the river levee (9 acres more; see Table 12-2A-1). Alternative 2A would also temporarily affect a larger acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~19~~ 20 acres more; see Table 12-2A-2).

Table 12-2A-2 Alternative 2A Effects on Jurisdictional Wetlands and Waters Relative to Alternative 1A (acres)

	Alternative 2A Impacts on Jurisdictional Wetlands and Waters			
Wetland/Water Type	Permanent Impact	Difference from Alernative 1A	Temporary Impact	Difference from Alternative 1A
Agricultural Ditch	65.8	0.9	32.6	9.1
Alkaline Wetland	0.1	0.0	0	0.0
Clifton Court Forebay	1.0	0.0	0	0.0
Conveyance Channel	12.7	0.0	1.1	0.0
Depression	1.9	0.0	1.8	0.0
Emergent Wetland	46.8	0.0	6.7	-0.6
Forest	6.4	0.6	15.6	3.6
Lake	0.2	0.2	2.3	2.0
Scrub-Shrub	18.2	-2.4	2.4	-1.9
Seasonal Wetland	18.7	0.0	29.2	2.6
Tidal Channel	45.8	2.9	139.1	5.3
Vernal Pool	0	0.9	0	9.1
Total	218	2.3	231	20.1

Effects of Restoration-Related Conservation Actions of Alternative 2A

***NEPA Effects*:** Alternative 2A would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid adverse effects. Alternative 2A would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

***CEQA Conclusion*:** Alternative 2A would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid significant impacts. Alternative 2A would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

As with Alternative 1A, Alternative 2A would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 2A AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1A, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.6 Alternative 2B—Dual Conveyance with East Alignment and Five Intakes (15,000 cfs; Operational Scenario B)

Comparative Differences in CM1 Construction Effects for Alternatives 1B and 2B

Due to the change in location of the two intakes and their associated pumps and pipelines, Alternative 2B would create minor differences in permanent and larger differences in temporary loss of natural communities and cultivated lands during water conveyance facilities construction when compared with Alternative 1B (Table 12-2B-1). All of these differences would occur in the near-term timeframe associated with water facilities construction. Alternative 2B would permanently remove 3 fewer acres of valley/foothill riparian habitat along the Sacramento River and 1 fewer acre of cultivated land (primarily alfalfa and irrigated pasture) just east of the river. When compared with Alternative 1B, Alternative 2B would permanently remove 6 acres more of grassland and 1 acre more of tidal perennial aquatic natural community along the eastern bank of the river at intake sites. Alternative 2B would also permanently affect a larger acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1B (~~50~~ 3 acres more; see Table 12-2B-2). Refer to Table 12-1B-69 for a summary of Alternative 1B permanent and temporary jurisdictional waters and wetlands impacts.

Table 12-2B-2 Alternative 2B Effects on Jurisdictional Wetlands and Waters Relative to Alternative 1B (acres)

	Alternative 2B Impacts on Jurisdictional Wetlands and Waters			
Wetland/Water Type	Permanent Impact	Difference from Alernative 1B	Temporary Impact	Difference from Alternative 1B
Agricultural Ditch	228.2	0.3	38.5	7.4
Alkaline Wetland	0.1	0	0	0
Clifton Court Forebay	1.0	0	0	0
Conveyance Channel	12.7	0	1.1	0
Depression	35.1	0	1.9	0
Emergent Wetland	77.8	0.2	23.8	3.8
Forest	9.9	0.7	13.7	6.7
Lake	0.2	0	0	-0.3
Scrub-Shrub	11.4	-2.4	11.0	-1.2
Seasonal Wetland	177.7	0.2	4.1	4.1
Tidal Channel	31.9	3.9	174.7	28.4
Vernal Pool	0	0	0	0
Total	586	2.8	269	49.0

During the water conveyance facilities construction process, Alternative 2B would involve significantly more temporary loss of tidal perennial aquatic habitat (26 acres), valley/foothill riparian habitat (17 acres) and grassland (24 acres). These temporary losses would occur primarily along Snodgrass Slough and the north-south irrigation canal just east of the slough. The Alternative 2B pipelines would also temporarily affect greater acreages of cultivated land (496 acres more), including alfalfa, vineyard, orchard and other cultivated cropland. There would be much smaller differences in the acreage of temporary effect on managed wetland and tidal freshwater emergent wetland (Table 12-2B-1). Alternative 2B would also temporarily affect a larger acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1B (49 acres more; see Table 12-2B-2).

Effects of Restoration-Related Conservation Actions of Alternative 2B

***NEPA Effects*:** Alternative 2B would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area except for an adverse effect on giant garter snake population connectivity and to wildlife movement corridors in general. The construction of the canal would substantially inhibit the movement of giant garter snakes and other wildlife from moving within and outside of the Delta. This alternative would not significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States~~, reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1B, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of the water conveyance canal from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid and minimize adverse effects to the maximum extent practicable. Alternative 2B would not require mitigation measures beyond what is proposed for Alternative 1B to offset effects.

***CEQA Conclusion*:** Alternative 2B would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area except for giant garter snake habitat connectivity and to wildlife movement corridors in general. The construction of the canal would substantially inhibit the movement of giant garter snakes and other wildlife from moving within and outside of the Delta. The alternative would not increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1B, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid and minimize significant impacts. Alternative 6B would not require mitigation measures beyond what is proposed for Alternative 1B to offset effects. Despite these measures, there would remain significant and unavoidable impacts on giant garter snake population connectivity and wildlife movement corridors from Alternative 2B.

As with Alternative 1B, Alternative 2B would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 2B AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1B, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.8 Alternative 3—Dual Conveyance with Pipeline/Tunnel and Intakes 1 and 2 (6,000 cfs; Operational Scenario A)

Comparative Differences in CM1 Construction Effects for Alternatives 3 and 1A

Due to the elimination of Intakes 3–5 and their associated pumps and pipelines, Alternative 3 would create differences in the permanent and temporary loss of natural communities and cultivated lands during water conveyance facilities construction when compared with Alternative 1A (Table 12-3-1). All of these differences would occur during the near-term timeframe associated with water conveyance facilities construction. Alternative 3 would permanently remove 9 fewer acres of tidal perennial aquatic habitat in the Sacramento River, 10 fewer acres of valley/foothill riparian habitat along the eastern bank of the Sacramento River, 11 fewer acres of grassland adjacent to the river, and 118 acres of cultivated land just east of the river, all associated with less intake construction along the eastern bank of the Sacramento River in the vicinity of Hood. Alternative 3 would also permanently affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared with Alternative 1A (10 acres fewer; see Table 12-3-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

There would be similar reductions in temporary losses of natural communities along the Sacramento River, including 32 fewer acres of tidal perennial aquatic, 3 acres fewer of tidal freshwater emergent wetland, 10 acres fewer of valley/foothill riparian, one acre fewer of nontidal perennial aquatic, 28 acres fewer grassland, and 348 acres fewer of cultivated land (Table 12-3-1). Alternative 3 would also temporarily affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~40~~ 39 acres fewer; see Table 12-3-2).

Table 12-3-2 Alternative 3 Effects on Jurisdictional Wetlands and Waters Relative to Alternative 1A (acres)

	Alternative 3 Impacts on Jurisdictional Wetlands and Waters			
Wetland/Water Type	Permanent Impact	Difference from Alernative 1A	Temporary Impact	Difference from Alternative 1A
Agricultural Ditch	64.8	-0.2	21.0	-2.5
Alkaline Wetland	0.1	0	0	0
Clifton Court Forebay	1.0	0	0	0
Conveyance Channel	12.7	0	1.1	0
Depression	1.9	0	1.8	0
Emergent Wetland	46.8	0	4.7	-2.5
Forest	5.8	0	11.3	-0.7
Lake	0	0	0	-0.3
Scrub-Shrub	18.2	-2.4	2.1	-2.2
Seasonal Wetland	18.7	0	26.6	0
Tidal Channel	35.0	-7.9	102.8	-31.0
Vernal Pool	0	0	0	0
Total	205	-10	171	-39

Effects of Restoration-Related Conservation Actions of Alternative 3

NEPA Effects: Alternative 3 would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid adverse effects. Alternative 3 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

CEQA Conclusion: Alternative 3 would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily-affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2-CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid significant impacts. Alternative 3 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

As with Alternative 1A, Alternative 3 would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 3 AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1A, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.9 Alternative 4—Dual Conveyance with Modified Pipeline/Tunnel and Intakes 2, 3, and 5 (9,000 cfs; Operational Scenario H)

Chapter 3, Section 3.5.9, *Alternative 4* ~~in Chapter 3, *Description of Alternatives*~~, in this RDEIR/SDEIS provides details of Alternative 4, and Figures 3-9 and 3-10 depict~~s~~ the alternative.

Natural Communities

Tidal Perennial Aquatic

Construction, operation, maintenance, and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the tidal perennial aquatic natural community. Initial development and construction of CM1, CM2, CM4, CM5, and CM6 would result in both permanent and temporary removal or modification of this community (see Table 12-4-1). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the tidal perennial aquatic natural community (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore and protect 65,000 acres of tidal natural communities and transitional uplands to accommodate sea level rise (Objective L1.3, associated with CM4).
- Within the restored and protected tidal natural communities and transitional uplands, restore or create tidal perennial aquatic natural community as necessary when creating tidal emergent wetland (Objective TPANC1.1, associated with CM4).
- Control invasive aquatic vegetation that adversely affects native fish habitat (Objective TPANC2.1, associated with CM13).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3 of the Draft BDCP that would improve the value of tidal perennial aquatic natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to AMMs, impacts on tidal aquatic natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Note that two time periods are represented in Table 12-4-1 and the other tables contained in the analysis of Alternative 4. The near-term (NT) acreage effects listed in the table would occur over the ~~first 10 years~~near-term of Alternative 4 implementation. The late long-term (LLT) effects contained in these tables represent the combined effects of all activities over the entire 50-year term of the Plan. This table and all impact tables in the chapter include reference to only those conservation measures that would eliminate natural community acreage either through construction or restoration activities, or would result in periodic inundation of the community.

Table 12-4-1. Changes in Tidal Perennial Aquatic Natural Community Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Permanent		Temporary		Periodic[d]	
	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	207~~178~~	207~~178~~	2,098~~101~~[e]	2,098~~101~~	0	0
CM2	8	8	11	11	9–36	0
CM4	~~11~~14	18	0	0	0	0
CM5	0	2	0	5	0	39
CM6	Unk.	Unk.	0	0	0	0
TOTAL IMPACTS	**~~226~~229~~197~~**	**235~~06~~**	**2,109~~12~~**	**2,114~~7~~**	**9–36**	**39**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
[e] The large acreage of tidal perennial aquatic habitat affected by Alternative 4 is related to dredging of Clifton Court Forebay; the habitat would not be permanently removed.
NT = near-term
LLT = late long-term
Unk. = unknown

Impact BIO-1: Changes in Tidal Perennial Aquatic Natural Community as a Result of Implementing BDCP Conservation Measures

Construction and land grading activities that would accompany the implementation of CM1, CM2, CM4, CM5, and CM6 for Alternative 4 would permanently affect an estimated 235~~06~~ acres and temporarily remove 2,114~~7~~ acres of tidal perennial aquatic natural community in the study area. The large temporary loss of this natural community would be largely related to dredging of Clifton Court Forebay. These modifications represent less than 3% of the 86,263 acres of the community that is mapped in the study area. The majority of the permanent and temporary effects would happen during the ~~first 10 years of~~near-term time period for Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Natural communities restoration would add 8,300 acres of tidal wetlands, including an estimated 3,400 acres of tidal perennial aquatic natural community during the same period, which would expand the area of that habitat and offset the losses. The 3,400-acre increase is estimated, based on modeling reported in Draft BDCP Appendix 3.B, Table 5, by comparing existing Plan Area subtidal habitat to near-term subtidal habitat with the Plan. The ~~BDCP beneficial~~ effects analysis ~~(BDCP~~ in Chapter 5, Section 5.4.1.2, *Beneficial Effects Analysis*, of the Draft BDCP~~)~~ indicates that, while there would be no minimum restoration requirement for the tidal perennial aquatic natural community, an estimated approximately 27,000 acres of tidal perennial aquatic natural community would be restored based on tidal restoration modeling. This estimate is based on Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP, by subtracting late long-term acreage without project from late long-term acreage with project~~)~~.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation:* Construction of the Alternative 4 water conveyance facilities would permanently remove 207~~178~~ acres and temporarily remove 2,098~~101~~ acres of tidal perennial aquatic community. Most of the permanent loss would occur where Intakes 2, 3, and 5 encroach on the Sacramento River's east bank between Clarksburg and Courtland (see Terrestrial Biology Mapbook~~, a support document to the EIS/EIR~~ in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, for a ~~detailed~~ view of proposed facilities overlain on natural community mapping). The footings and the screens at the intake sites would be placed into the river margin and would displace moderately deep to shallow, flowing open water with a mud substrate and very little aquatic vegetation. Permanent losses would also occur where new control structures would be built into the California Aqueduct and the Delta Mendota Canal adjacent to Clifton Court Forebay, and where permanent new transmission lines would be constructed along Lambert Road just west of Interstate 5.

  The temporary effects on tidal perennial aquatic habitats would occur at numerous locations, with the largest affect occurring at Clifton Court Forebay, where the entire forebay would be dredged to provide additional storage capacity. Other temporary effects would occur in the Sacramento River at Intakes 2, 3, and 5, and at temporary barge unloading facilities established at three locations along the tunnel route. The barge unloading construction would temporarily affect Snodgrass Slough just south of Hood, Potato Slough at the south end of Boldin Island~~the South Mokelumne River at the north end of Staten Island~~, Venice Reach of the San Joaquin River at the south end of Venice Island, Old River on the east side of Clifton Court Forebay, Connection Slough at the north end of Bacon Island, and Old River just south of its junction with North Victoria Canal. The details of these locations can be seen in the Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. These losses would take place during the near-term construction period.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 involves a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. Some of these activities could involve excavation and grading in tidal perennial aquatic areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 8 acres could be permanently lost and another 11 acres could be temporarily removed. This activity would occur primarily in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration*: Based on the use of hypothetical restoration footprints, implementation of CM4 would affect 18 acres of tidal perennial aquatic community. CM4 involves conversion of existing natural communities to a variety of tidal wetlands, including tidal perennial aquatic, tidal brackish emergent, and tidal freshwater emergent wetlands. Specific locations for these conversions are not known. The 18 acres could remain tidal perennial aquatic with a modified tidal prism, or they could eventually be converted to one of the other tidal wetland types. For purposes of this analysis, a conservative approach has been taken and the effect has been discussed simultaneously with the habitat losses associated with other conservation measures.

An estimated 65,000 acres of tidal wetlands and transitional uplands would be restored during tidal habitat restoration, consistent with BDCP Objective L1.3. Of these acres, an estimated 27,000 acres of tidal perennial aquatic habitat would be restored, based on modeling conducted by ESA PWA (refer to Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). This restoration would be consistent with BDCP Objective TPANC1.1. Approximately 3,400 acres of the restoration would happen during the near-term time period~~first 10 years~~ of Alternative 4 implementation, which would coincide with the timeframe of water conveyance facilities construction. The remaining restoration would be spread over the following~~ 30~~ years of Plan implementation. Tidal natural communities restoration is expected to be focused in the ROAs identified in Figure 12-1. Some of the restoration would occur in the lower Yolo Bypass, but restoration would also be spread among the Suisun Marsh, South Delta, Cosumnes/Mokelumne and West Delta ROAs.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would permanently remove 2 acres and temporarily remove 5 acres of tidal perennial aquatic habitat. The construction-related losses would be considered a permanent removal of the tidal perennial aquatic habitats directly affected. This activity is scheduled to start following construction of water conveyance facilities~~, which is expected to take 10 years~~. Specific locations for the floodplain restoration have not been identified, but it is expected that much of the activity would occur in the south Delta along the major rivers. Floodplain restoration along the San Joaquin River would improve connectivity for a variety of species that rely on tidal perennial aquatic habitat. The regional and Plan Area landscape linkages along the San Joaquin River are included in Figure 12-2.

- *CM6 Channel Margin Enhancement*: Channel margin habitat enhancement could result in filling of small amounts of tidal perennial aquatic habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur on tidal perennial aquatic habitat margins, including levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe (the first ~~10~~ 14 years of BDCP implementation), Alternative 4 would affect the tidal perennial aquatic community through CM1 construction losses (~~178~~ 207 acres permanent and ~~2,101~~2,098 acres temporary) and the CM2 construction losses (8 acres permanent and 11 acres temporary). These losses would occur primarily at Clifton Court Forebay due to dredging, along the Sacramento River at intake sites, or in the northern Yolo Bypass. Approximately ~~11~~ 14 acres of the inundation and construction-related effects resulting from CM4 would occur during the near-term throughout the ROAs mapped in Figure 12-1.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of tidal perennial aquatic natural community would be considered both a loss in acreage of a sensitive natural community and a loss of waters of the United States as defined by Section 404 of the CWA. The largest loss would occur at Clifton Court Forebay, and would be temporary. This tidal perennial habitat is of relatively low value to special-status terrestrial species in the study area. The creation of approximately 3,400 acres of high-value tidal perennial aquatic natural community as part of CM4 during the first ~~10~~ 14 years of Alternative 4 implementation would offset this near-term loss, avoiding any adverse effect. Typical project-level mitigation ratios (1:1 for restoration) would indicate ~~2,309~~2,338 acres of restoration would be needed to offset (i.e., mitigate) the ~~2,309~~2,338 acres of effect (the total permanent and temporary near-term effects listed in Table 12-4-1) associated with near-term activities, including water conveyance facilities construction.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in relatively minor (less than 3%) conversions of or losses to tidal perennial aquatic community in the study area. These losses or conversions (~~206~~ 235 acres of permanent and ~~2,117~~2,114 acres of temporary) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), and inundation during tidal marsh restoration (CM4). Inundation conversions would occur through the course of the BDCP restoration program at various tidal restoration sites throughout the study area. By the end of the Plan timeframe, a total of more than 27,000 acres of high-value tidal perennial aquatic natural community would be restored (estimated from Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). The restoration would occur over a wide region of the study area, including within the Suisun Marsh, Cosumnes/Mokelumne, Cache Creek, and South Delta ROAs (see Figure 12-1).

NEPA Effects: The creation of approximately 3,400 acres of high-value tidal perennial aquatic natural community as part of CM4 during the first 10~~0~~ years of Alternative 4 implementation would offset near-term losses associated with construction activities for CM1, CM2, CM4 and CM6, avoiding any adverse effect. Alternative 4, which includes restoration of an estimated 27,000 acres of this natural community over the course of the Plan, would not result in a net long-term reduction in the acreage of a sensitive natural community; the effect would be beneficial.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the near-term loss or conversion of approximately ~~2,309~~2,338 acres of tidal perennial aquatic natural community due to construction of the water conveyance facilities (CM1) and fish passage improvements (CM2), and inundation during tidal marsh restoration (CM4). The construction losses would occur primarily at Clifton Court Forebay, along the Sacramento River at intake sites, along various Delta waterways at barge offloading sites, and within the northern section of the Yolo Bypass, while inundation conversions would occur at various tidal restoration sites throughout the study area. The losses and conversions would be spread across the near-term timeframe. These losses and conversions would be offset by planned restoration of an estimated 3,400 acres of high-value tidal perennial aquatic natural community scheduled for the first 10 years of Alternative 4 implementation (CM4). AMM1, AMM2, AMM6, AMM7, and AMM10 would also be implemented to minimize impacts. Because of these offsetting near-term restoration activities and AMMs, impacts would be less than significant. Typical project-level mitigation ratios (1:1 for restoration) would indicate that ~~2,309~~2,338 acres of restoration would be needed to offset (i.e., mitigate) the ~~2,309~~2,338 acres of loss or conversion. The restoration would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species, and would result in a net gain in acreage of this sensitive natural community.

Late Long-Term Timeframe

At the end of the Plan period, ~~2,323~~2,349 acres of the natural community would be lost or converted and an estimated 27,000 acres of this community would be restored. There would be no net permanent reduction in the acreage of this sensitive natural community within the study area. Therefore, Alternative 4 would not have a substantial adverse effect on this natural community; the impact would be beneficial.

Impact BIO-2: Increased Frequency, Magnitude and Duration of Periodic Inundation of Tidal Perennial Aquatic Natural Community

Two Alternative 4 conservation measures would modify the water depths and inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of tidal perennial aquatic natural community on small acreages, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways throughout the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation and changes in water depth and velocity of 9–36 acres of tidal perennial aquatic natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 9-acre increase in inundation would be associated with a notch flow of 1,000 cfs, and the 36-acre increase would result from a notch flow of 4,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. Most of the tidal perennial aquatic community occurs in the southern section of the bypass on Liberty Island, and, to a lesser extent, along the eastern edge of the bypass, including the Tule Canal/Toe Drain. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). The modification of periodic inundation events would be expected to be beneficial to the ecological function of tidal perennial aquatic habitat in the bypass as it relates to BDCP covered aquatic species. The Yolo Bypass waterway is the key element in the Yolo Bypass landscape linkage mapped in Figure 12-

2 and described in detail in Draft BDCP Chapter 3, Table 3.2-3. The change in periodic inundation in the bypass would not substantially modify its value for special-status or common terrestrial species. Water depths and water flow rates would increase over Existing Conditions and the No Action condition in approximately 30% of the years, but it would not fragment the habitat or make it less accessible to special-status or common terrestrial species. The modifications would not result in a loss of this community. The plant species associated with this community are adapted to inundation. The extended inundation would be designed to expand foraging and spawning habitat for Delta fishes. The effects of these changes in the inundation regime on terrestrial species that rely on tidal perennial aquatic habitats are discussed in detail later in this chapter, under the individual species assessments.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in a seasonal increase in the frequency and duration of flooding of 39 acres of tidal perennial aquatic habitat. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels. The more frequent exposure of these wetlands to stream flooding events would be beneficial to the ecological function of tidal perennial aquatic habitats, especially as they relate to BDCP target aquatic species. The plant species associated with these tidal perennial aquatic areas are adapted to inundation and would not be substantially modified.

In summary, 48–75 acres of tidal perennial aquatic community in the study area would be subjected to more frequent increases in water depth and velocity as a result of implementing two Alternative 4 conservation measures (CM2 and CM5). Tidal perennial aquatic community is already, by definition, permanently inundated aquatic habitat of value to terrestrial and aquatic species in the study area; therefore, periodic changes in water depth and velocity would not result in a net permanent reduction in the acreage of this community in the study area.

***NEPA Effects*:** Increasing periodic inundation of tidal perennial aquatic natural community would not have an adverse effect on the community.

***CEQA Conclusion*:** An estimated 48–75 acres of tidal perennial aquatic community in the study area would be subjected to more frequent increases in water depth and velocity from flood flows as a result of implementing CM2 and CM5 under Alternative 4. Tidal perennial aquatic community is already, by definition, permanently inundated aquatic habitat of value to terrestrial and aquatic species in the study area. The periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Therefore, there would be no substantial adverse effect on the community. The impact would be less than significant.

Impact BIO-3: Modification of Tidal Perennial Aquatic Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect tidal perennial aquatic natural community in the study area. The ongoing actions include diverting Sacramento River flows in the north Delta, and reduced diversion from south Delta channels. These actions are associated with CM1 (see Impact BIO-2 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM13), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversion from south Delta channels (associated with Operational Scenario H) would not result in the permanent reduction in acreage of a sensitive natural community in the study area. Flow levels in the upstream rivers would not change such that the acreage of tidal perennial aquatic community would be reduced on a permanent basis. Some increases and some decreases would be expected to occur during some seasons and in some water-year types, but there would be no permanent loss. Similarly, increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in tidal perennial aquatic community downstream of these diversions. Tidal influence on water levels in the Sacramento River and Delta waterways would continue to be dominant. Reduced diversions from the south Delta channels would not create a reduction in this natural community.

  The periodic changes in flows in the Sacramento River, Feather River, and American River associated with Alternative 4 operations would affect salinity, water temperature, dissolved oxygen levels, turbidity, contaminant levels, and dilution capacity in these rivers and Delta waterways. These changes are discussed in detail in Chapter 8, *Water Quality*, of the Draft EIR/EIS. Potentially substantial increases in electrical conductivity (salinity) are predicted for the Delta and Suisun Marsh as a result of increased export of Sacramento River water. These salinity changes are not expected to result in a permanent reduction in the acreage or value of tidal perennial aquatic natural community for terrestrial species in the study area.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in tidal perennial aquatic habitats. This activity could lead to increased soil erosion, turbidity and runoff entering tidal perennial aquatic habitats. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within aquatic habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites. Vegetation management is also the principal activity associated with *CM13 Invasive Aquatic Vegetation Control* and is consistent with BDCP Objective TPANC2.1. Use of herbicides to control nuisance vegetation could pose a long-term hazard to tidal perennial aquatic natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to tidal perennial aquatic areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

Herbicides to remove aquatic invasive species as part of CM13 would be used to restore the normal ecological function of tidal aquatic habitats in planned restoration areas. The treatment activities would be conducted in concert with the California Department of Boating and Waterways' invasive species removal program. Eliminating large stands of water hyacinth and Brazilian waterweed would improve habitat conditions for some aquatic species by removing cover for nonnative predators, improving water flow and removing barriers to movement (see Chapter 11, *Fish and Aquatic Resources*, of the Draft EIR/EIS). These habitat changes should also benefit terrestrial species that use tidal perennial aquatic natural community for movement corridors and for foraging. Vegetation management effects on individual species are discussed in the species sections on following pages.

- *Channel dredging.* Long-term operation of the Alternative 4 intakes on the Sacramento River would include periodic dredging of sediments that might accumulate in front of intake screens. The dredging would occur in tidal perennial aquatic natural community and would result in short-term increases in turbidity and disturbance of the substrate. These conditions would not eliminate the community, but would diminish its value for special-status and common species that rely on it for movement corridor or foraging area. The individual species effects are discussed later in this chapter.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For tidal perennial aquatic natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of tidal perennial aquatic natural community in the study area through changes in flow patterns and changes in water quality. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small reductions in acreage, these reductions would be greatly offset by restoration activities planned as part of *CM4 Tidal Natural Communities Restoration*. The management actions associated with levee repair, periodic dredging and control of invasive plant species would also result in a long-term benefit to the species associated with tidal perennial aquatic habitats by improving water movement.

***NEPA Effects*:** Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be no adverse effect on the tidal perennial aquatic natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor losses in total acreage of tidal perennial aquatic natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, and AMM5 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in these habitats. Long-term restoration activities associated with *CM4 Tidal Natural Communities Restoration* would greatly expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in the acreage or value of this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact on the tidal perennial aquatic natural community.

Tidal Brackish Emergent Wetland

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no adverse effect on the habitats associated with the tidal brackish emergent wetland natural community. Habitat restoration and construction associated with CM1, CM2, CM5 and CM6 would not remove tidal brackish emergent wetland; levee breaching and minor construction associated with CM4 may temporarily remove small amounts of this natural community (see Table 12-4-2). Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit the tidal brackish emergent wetland natural community.

- Restore and protect 65,000 acres of tidal natural communities and transitional uplands to accommodate sea level rise (Objective L1.3 associated with CM4).
- Within the restored and protected tidal natural communities and transitional uplands, include sufficient transitional uplands along the fringes of restored brackish and freshwater tidal emergent wetlands to accommodate up to 3 feet of sea level rise where possible and allow for the future upslope establishment of tidal emergent wetland communities (Objective L1.7, associated with CM4).
- Within the restored and protected tidal natural communities and transitional uplands, restore or create at least 6,000 acres of tidal brackish emergent wetland in Conservation Zone 11 (Objective TBEWNC1.1 associated with CM4).
- Restore connectivity to isolated patches of tidal brackish emergent marsh where isolation has reduced effective use of these marshes by the species that depend on them (Objective TBEWNC1.3 associated with CM4).
- Create topographic heterogeneity in restored tidal brackish emergent wetland to provide variation in inundation characteristics and vegetative composition (Objective TBEWNC1.4 associated with CM4).
- Limit perennial pepperweed to no more than 10% cover in tidal brackish emergent wetland natural community within the reserve system (Objective TBEWNC2.1 associated with CM11).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, in the Draft BDCP that would improve the value of tidal brackish emergent wetland natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-2. Changes in Tidal Brackish Emergent Wetland Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	0	0	0	0	0	0
CM2	0	0	0	0	0	0
CM4	Unk.	Unk.	Unk.	Unk.	0	0
CM5	0	0	0	0	0	0
CM6	0	0	0	0	0	0
TOTAL IMPACTS	**0**	**0**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
Unk. = unknown

Impact BIO-4: Changes in Tidal Brackish Emergent Wetland Natural Community as a Result of Implementing BDCP Conservation Measures

Construction of the Alternative 4 water conveyance facilities (CM1) would not affect tidal brackish emergent wetland natural community.

Restoration of tidal marsh habitats associated with CM4 would require site preparation, earthwork, and other site activities that could remove tidal brackish emergent wetland. Levee modifications, grading or contouring, filling to compensate for land subsidence, and creation of new channels could also result in the removal of tidal brackish emergent wetland. All of this construction and land modification activity that could affect tidal brackish emergent wetland would take place in Suisun Marsh (CZ 11). The acreage of loss has not been calculated because the specific locations for site preparation and earthwork have not been identified, but the loss would likely be very small (less than 1 acre). These activities would occur in small increments during the course of the CM4 restoration program. The restoration elements of CM4 would greatly exceed any of the short-term losses described above. At least 6,000 acres of tidal brackish emergent wetland would be restored in the Plan Area (BDCP Objective TBEWNC1.1, associated with CM4), with 2,000 acres of restoration occurring in the near-term timeframe. In addition, the habitat and ecosystem functions of BDCP restored tidal brackish emergent wetland would be maintained and enhanced (CM11). The BDCP beneficial effects evaluation of Alternative 4 (see ~~BDCP~~ Chapter 5, Section 5.4.3.2, *Beneficial Effects*, *of the Draft BDCP*) states that at least 6,000 acres of tidal brackish emergent wetland community would be restored in CZ 11, and that tidal natural communities restoration would decrease habitat fragmentation by providing additional connectivity between isolated patches of tidal brackish emergent wetland.

The restoration activities associated with CM4 in Suisun Marsh would result in other effects that could alter the habitat value of tidal brackish emergent wetland. Disturbances associated with levee breaching and grading or contouring would increase opportunities for the introduction or spread of invasive species. Implementation of CM11 would limit this risk through invasive species control and wetland management and enhancement activities to support native species. Tidal flooding of dry areas could also increase the bioavailability of methylmercury in Suisun Marsh. Site-specific conditions would dictate the significance of this hazard to tidal brackish marsh vegetation and associated wildlife. According to the Suisun Marsh Plan EIR/EIS (Bureau of Reclamation et al. 2010, pg. 5.2-18), marsh creation may generate less methylmercury than is currently being generated by managed wetlands. A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in ~~supports this conclusion (see~~ Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix D)However, this has not been confirmed through comprehensive studies~~. Because of the difficulty in assessing this risk at a programmatic level, it will need to be considered at a project level. Site-specific restoration plans that address the creation and mobilization of mercury, and monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh. Water temperature fluctuations in newly created marsh and the potential for increased nitrogen deposition associated with construction vehicles are also issues of concern that are difficult to quantify at the current stage of restoration design. None of these effects is expected to limit the extent or value of tidal brackish emergent wetland in the study area.

NEPA Effects: The increase of tidal brackish emergent wetland associated with CM4 would be a beneficial effect on the natural community.

CEQA Conclusion: Tidal brackish emergent wetland natural community could experience small losses in acreage in Suisun Marsh (CZ 11) as a result of the large-scale tidal marsh restoration planned as part of CM4. These losses (expected to not exceed 1 acre) would be associated with levee modification, site preparation, and other earthwork needed to expose diked lands to tidal influence. Because at least 6,000 acres of tidal brackish emergent wetland would be restored in the Plan Area as part of CM4, including 2,000 acres restored in the near-term timeframe, there would be a large increase in tidal brackish emergent wetland both in the near-term and over the life of the Plan. Indirect effects associated with the expansion of tidal brackish emergent wetland natural community, including the potential spread of invasive species, the generation of methylmercury, increases in marsh water temperatures, and increased nitrogen deposition are not expected to have a significant impact on this natural community in the study area. Therefore, this impact would be beneficial.

Impact BIO-5: Modification of Tidal Brackish Emergent Wetland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with CM1 and CM4 of Alternative 4 are constructed and the water management practices associated with changed reservoir operations, diversions from the north Delta, and marsh restoration are in effect, there would be new ongoing and periodic actions that could affect tidal brackish emergent wetland natural community in the study area. The ongoing actions include water releases and diversions, access road and levee repair, and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversion from south Delta channels (associated with Operational Scenario H) would not result in the permanent reduction in acreage of tidal brackish emergent wetland natural community in the study area. Flow levels in the upstream rivers would not directly affect this natural community because it does not exist upstream of the Delta. Increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in tidal brackish emergent wetland downstream of these diversions. Salinity levels in Suisun Marsh channels would be expected to increase with reduced Sacramento River outflows (see Chapter 8, Section 8.~~3~~4.3.9, *Alternative 4*, of the Draft EIR/EIS), but this change would not be sufficient to change the acreage of brackish marsh. This natural community persists in an environment that experiences natural fluctuations in salinity due to tidal ebb and flow. Reduced diversions from the south Delta channels would not create a reduction in this natural community.

  The increased diversion of Sacramento River flows in the north Delta would result in reductions in sediment load (annual mass) flowing into the central and west Delta, and Suisun Marsh. The reduction is estimated to be approximately 9% of the river's current sediment load for Alternative 4, which would have a north Delta diversion capacity of 9,000 cfs under Operational Scenario H (see ~~BDCP~~ Appendix 5.C, Attachment 5C.D, Section 5C.D.3.3, *Summary of Changes to Sediment Supply in the Plan Area due to BDCP Shift in Export Location and Volume*, of the Draft BDCP for a detailed analysis of this issue). This would contribute to a decline in sediment reaching the Delta and Suisun Marsh that has been occurring over the past 50-plus years due to a gradual depletion of sediment from the upstream rivers. The depletion has been caused by a variety of factors, including depletion of hydraulic mining sediment in upstream areas, armoring of river channels and a cutoff of sediment due to dam construction on the Sacramento River and its major tributaries (Wright and Schoellhamer 2004; Barnard et al. 2013).

  Reduced sediment load flowing into the Delta and Suisun Marsh could have an adverse effect on tidal marsh, including tidal brackish emergent wetland. Sediment trapped by the marsh vegetation allows the emergent plants to maintain an appropriate water depth as water levels gradually rise from the effects of global warming (see Chapter 29, *Climate Change*, of the Draft EIR/EIS). The BDCP proponents have incorporated an environmental commitment (see Appendix 3B, Section 3B.1.19, *Disposal and Reuse of Spoil, Reusable Tunnel Material and Dredged Material*, of the Draft EIR/EIS) into the project that would lessen this potential effect. The Sacramento River water diverted at north Delta intakes would pass through sedimentation basins before being discharged~~pumped~~ to water conveyance structures. The commitment states that sediment collected in these basins would be periodically removed and reused, to the greatest extent feasible, in the Plan Area for a number of purposes, including marsh restoration, levee maintenance, subsidence reversal, flood response, and borrow area fill. The portion of the sediment re-introduced to the Delta and estuary for marsh restoration would remain available for marsh accretion. With this commitment to reuse in the Plan Area, the removal of sediment at the north Delta intakes would not result in a net reduction in the acreage and value of this special-status marsh community. The effect would not be adverse (NEPA) and would be less than significant (CEQA).

- *Access road and levee repair.* Periodic repair of access roads and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in tidal brackish emergent wetland habitats. This activity could lead to increased soil erosion, turbidity and runoff entering these habitats. The activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan*. Any vegetation removal or earthwork adjacent to or within aquatic habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment (CM11), would be a periodic activity associated with the long-term maintenance of restoration sites. Use of herbicides to control nuisance vegetation could pose a long-term hazard to tidal brackish emergent wetland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to wetland areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments~~ are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic environments would also reduce the risk of affecting natural communities adjacent to levees associated with tidal wetland restoration activities.

- *Channel dredging.* Long-term maintenance of tidal channels that support wetland expansion in Suisun Marsh would include periodic dredging of sediments. The dredging would occur adjacent to tidal brackish emergent wetland natural community and would result in short-term increases in turbidity and disturbance of the substrate. These conditions would not eliminate the community, but would diminish its value in the short term for special-status and common species that rely on it for cover, movement corridor or foraging area. The individual species effects are discussed later in this chapter.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For tidal brackish emergent wetland natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage and value of tidal brackish emergent wetland natural community in the study area through water operations, levee and road maintenance, channel dredging and vegetation management in or adjacent to this community. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM4 Tidal Natural Communities Restoration*. The management actions associated with levee repair, periodic dredging and control of invasive plant species would also result in a long-term benefit to the species associated with tidal brackish emergent wetland habitats by improving water movement.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in the tidal brackish emergent wetland natural community within the study area. There would be no adverse effect on the tidal brackish emergent wetland natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes (not exceeding 1 acre) in total acreage of tidal brackish emergent wetland natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, and AMM5 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in these habitats. Long-term restoration activities associated with *CM4 Tidal Natural Communities Restoration* would greatly expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact.

Tidal Freshwater Emergent Wetland

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the tidal freshwater emergent wetland natural community. Initial development and construction of CM1, CM2, CM4, CM5, and CM6 would result in both permanent and temporary removal of small acreages of this community. (see Table 12-4-3). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the tidal freshwater emergent wetland natural community.

- Restore and protect 65,000 acres of tidal natural communities and transitional uplands to accommodate sea level rise (Objective L1.3 associated with CM4).
- Within the 65,000 acres of tidal natural communities and transitional uplands, include sufficient transitional uplands along the fringes of restored brackish and freshwater tidal emergent wetlands to accommodate up to 3 feet of sea level rise where possible and allow for the future upslope establishment of tidal emergent wetland communities (Objective L1.7, associated with CM4).

- Within the 65,000 acres of tidal natural communities, restore or create at least 24,000 acres of tidal freshwater emergent wetland in Conservation Zones 1, 2, 4, 5, 6 and/or 7 (Objective TFEWNC1.1, associated with CM4).
- Restore tidal freshwater emergent wetlands in areas that increase connectivity among conservation lands (Objective TFEWNC1.2, associated with CM4).
- Restore and sustain a diversity of marsh vegetation that reflects historical species compositions and high structural complexity (Objective TFEWNC2.1, associated with CM4).
- Create topographic heterogeneity in restored tidal freshwater emergent wetland to provide variation in inundation characteristics and vegetative composition (Objective TFEWNC2.2, associated with CM4).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of tidal freshwater emergent wetland natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-3. Changes in Tidal Freshwater Emergent Wetland Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~6~~3	~~6~~3	~~10~~15	~~10~~15	0	0
CM2	6	6	0	0	24–58	0
CM4	1	1	0	0	0	0
CM5	0	1	0	1	0	3
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~13~~10**	**~~14~~11**	**~~10~~15**	**~~11~~16**	**24–58**	**3**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-6: Changes in Tidal Freshwater Emergent Wetland Natural Community as a Result of Implementing BDCP Conservation Measures

Construction and land grading activities that would accompany the implementation of CM1, CM2, CM4, CM5, and CM6 for Alternative 4 would permanently eliminate an estimated ~~14~~ 11 acres and temporarily remove ~~11~~ 16 acres of tidal freshwater emergent wetland natural community in the study area. These modifications represent less than 1% of the 8,856 acres of the community that is mapped in the study area. The majority of the permanent and temporary losses would happen during the first ~~10~~ 14 years of Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Natural communities restoration would add at least 24,000 acres of tidal freshwater emergent wetland natural community during the course of Plan restoration activities, which would greatly expand the area of that habitat and offset the losses. The BDCP beneficial effects evaluation of Alternative 4 (see ~~BDCP~~ Chapter 5, Section 5.4.4.2, *Beneficial Effects*, of the Draft BDCP) states that the implementation of *CM4 Tidal Natural Communities Restoration* would restore at least 24,000 acres of tidal freshwater emergent wetland community in Cache Slough (Conservation Zones 1, 2, and 3), the Cosumnes/Mokelumne (Conservation Zone 4), West Delta (Conservation Zone 5 and 6), and South Delta (Conservation Zone 7) ROAs. The BDCP evaluation also states that the objectives in the Plan would promote vegetation diversity and structural complexity (as incorporated into the restoration design) in restored tidal freshwater marsh.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation:* Construction of the Alternative 4 water conveyance facilities would permanently remove ~~6~~ 3 acres and temporarily remove ~~10~~ 15 acres of tidal freshwater emergent wetland community. Most of the loss would occur along rivers and canals in the central Delta from barge unloading facility construction (Old River on the northwest corner~~east side~~ of ~~Woodward~~ Victoria Island and Connection Slough at the north end of Mandeville~~Bacon~~ Island), and from transmission line construction (San Joaquin River and Potato Slough at the south and north ends of Venice Island, Connection Slough at the north end of Bacon Island, and Railroad Slough at the north end of Woodward Island; see Terrestrial Biology ~~Mapbook~~in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). These losses would take place during the near-term construction period.

  There is the potential for increased nitrogen deposition associated with construction vehicles during the construction phase of CM1. ~~BDCP~~ Appendix 5.J, Attachment 5J.A, *Construction-Related Nitrogen Deposition on BDCP Natural Communities,* of the Draft BDCP addresses this issue in detail. It has been concluded that this potential deposition would pose a low risk of changing tidal freshwater emergent wetland natural community because the construction would occur primarily downwind of the natural community and the construction would contribute a negligible amount of nitrogen to regional projected emissions. No adverse effect is expected.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 involves a number of construction or channel modification activities within the Yolo and Sacramento Bypasses, including improvements in flow through the west side channel of the bypass, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. All of these activities could involve excavation and grading in tidal freshwater emergent wetland areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 6 acres could be permanently lost to these activities. The loss is expected to occur in the ~~first 10 years~~near-term time period of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Based on hypothetical footprints of this restoration activity, initial land grading and levee modification could permanently remove 1 acre of tidal freshwater emergent wetland natural community. This loss would occur in the near-term timeframe and would occur throughout the ROAs identified for tidal wetland restoration. At the same time, an estimated 24,000 acres of tidal freshwater emergent wetland community would be restored during tidal habitat restoration, consistent with Objective TFEWNC1.1, (associated with CM4). Approximately 8,850 acres of the restoration would happen during the first 10 years of Alternative 4 implementation, which would coincide with the timeframe of water conveyance facilities construction. The remaining restoration would be spread over the following 30 years. Tidal wetland communities restoration is expected to be focused in the ROAs identified in Figure 12-1. Restoration would be located and designed to improve habitat connectivity (Objective TFEWNC1.2), improve marsh species diversity (Objective TFEWNC2.1), and provide variation in inundation characteristics (Objective TFEWNC2.2). Some of the restoration would be implemented in the lower Yolo Bypass, but restoration would also be spread among the Suisun Marsh, South Delta, Cosumnes/Mokelumne and West Delta ROAs.

  The restoration activities associated with CM4 in the Plan Area ROAs would result in other effects that could alter the habitat value of tidal freshwater emergent wetland. Disturbances associated with levee breaching and grading or contouring would increase opportunities for the introduction or spread of invasive species. Implementation of CM11 would limit this risk through invasive species control and wetland management and enhancement activities to support native species. Flooding of dry areas for tidal freshwater marsh creation could also increase the bioavailability of methylmercury, especially in the Cache Slough, Cosumnes/Mokelumne and Suisun Marsh ROAs. Site-specific conditions would dictate the significance of this hazard to marsh vegetation and associated wildlife. A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix D.~~ Because of the difficulty in assessing this risk at a programmatic level, it will need to be considered at a project level. Site-specific restoration plans that address the creation and mobilization of mercury, and monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh. Water temperature fluctuations in newly created marsh is also an issue of concern that is difficult to quantify at the current stage of restoration design. None of these effects is expected to limit the extent or value of tidal freshwater emergent wetland in the study area.

- *CM5 Seasonally Inundated Floodplain Restoration:* Floodplain restoration levee construction would permanently remove 1 acre and temporarily remove 1 acre of tidal freshwater emergent wetland habitat. The construction-related losses would be considered a permanent removal of the habitats directly affected. The majority of seasonally inundated floodplain restoration is expected to occur along the lower San Joaquin River in the south and central Delta areas. Floodplain restoration along the San Joaquin River would improve connectivity for a variety of species that rely on freshwater marsh and riparian habitats. The regional and Plan Area landscape linkages along the San Joaquin River are included in Figure 12-2. This activity is scheduled to start following construction of water conveyance facilities~~, which is expected to take 10 years~~.

- *CM6 Channel Margin Enhancement:* Channel margin habitat enhancement could result in filling of small amounts of tidal freshwater emergent wetland habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur on narrow strips of habitat, including levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would affect the tidal freshwater emergent wetland natural community through CM1 construction losses (~~6~~ 3 acres permanent and ~~10~~ 15 acres temporary), CM2 construction losses (6 acres permanent), and CM4 construction losses (1 acre permanent). These losses would occur in the central Delta from construction of barge unloading facilities and transmission lines on the fringes of Venice, Bacon and Woodward Islands, and in various locations within the Yolo Bypass and the tidal restoration ROAs.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of tidal freshwater emergent wetland natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. However, the creation of 8,850 acres of tidal freshwater emergent wetland natural community as part of CM4 during the first 10 years of Alternative 4 implementation would more than offset this near-term loss, avoiding any adverse effect. Typical project-level mitigation ratios (1:1 for restoration) would indicate that ~~23~~ 25 acres of restoration would be needed to offset (i.e., mitigate) the ~~23~~ 25 acres of loss (the total permanent and temporary near-term effects listed in Table 12-4-3).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in relatively minor (less than 1%) losses of tidal freshwater emergent wetland community in the study area. These losses (~~14~~ 11 acres of permanent and ~~11~~ 16 acres of temporary loss) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), and levee modification and land grading associated with tidal marsh restoration (CM4) and floodplain restoration (CM5). The CM4 and CM5 losses would occur during the course of conservation actions at various tidal and floodplain restoration sites throughout the study area. By the end of the Plan timeframe, a total of 24,000 acres of this natural community would be restored. The restoration would occur over a wide region of the study area, including within the Suisun Marsh, Cosumnes/Mokelumne, Cache Creek, and South Delta ROAs (see Figure 12-1).

NEPA Effects: The creation of 8,850 acres of tidal freshwater emergent wetland natural community as part of CM4 during ~~the first 10 years~~near-term of Alternative 4 implementation would more than offset the construction and inundation-related effects of implementing CM1, CM2, CM4 and CM5, avoiding any adverse effect in the near-term. Because of the 24,000 acres of tidal freshwater emergent wetland restoration that would occur over the course of the Plan, Alternative 4 would not result in a net long-term reduction in the acreage of a sensitive natural community; the effect would be beneficial.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the loss of approximately ~~23~~ 25 acres of tidal freshwater emergent wetland natural community (permanent and temporary) due to construction of the water conveyance facilities (CM1) and fish passage improvements (CM2), and tidal marsh restoration (CM4). The construction losses would occur in primarily in the central Delta on the fringes of Venice, Bacon and Victoria Islands, and in the Yolo Bypass and various tidal restoration ROAs. The losses would be spread across~~ a 10-year~~the near-term timeframe and would be offset by planned restoration of 8,850 acres of tidal freshwater emergent wetland natural community scheduled for the first 10 years of Alternative 4 implementation (CM4). AMM1, AMM2, AMM6, AMM7 and AMM10 would also be implemented to minimize impacts. Because of these offsetting near-term restoration activities and AMMs, impacts would be less than significant and no mitigation would be required. Typical project-level mitigation ratios (1:1 for restoration) would indicate that ~~23~~ 25 acres of restoration would be needed to offset (i.e., mitigate) the ~~23~~ 25 acres of loss. The restoration would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species~~s, and would result in a net gain in acreage of this sensitive natural community~~.

Late Long-Term Timeframe

At the end of the Plan period, ~~25~~ 27 acres of this community would be lost to conservation activities and 24,000 acres of this community would be restored. There would be no net permanent reduction in the acreage of this sensitive natural community within the study area. Therefore, Alternative 4 would not have a substantial adverse effect on this natural community; the impact on the tidal freshwater emergent wetland natural community would be beneficial.

Impact BIO-7: Increased Frequency, Magnitude and Duration of Periodic Inundation of Tidal Freshwater Emergent Wetland Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of tidal freshwater emergent wetland natural community on small acreages, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways throughout the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation of 24–58 acres of tidal freshwater emergent wetland natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently inundated would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 24-acre increase in inundation would be associated with a notch flow of 1,000 cubic feet per second (cfs), and the 58-acre increase would result from a notch flow of 4,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. Most of this community occurs in the southern section of the bypass on Liberty Island, on the fringes of tidal perennial aquatic habitats. Smaller areas are scattered among the cropland within the bypass, south of Interstate 80. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). The modification of periodic inundation events would not adversely affect the ecological function of tidal freshwater emergent wetland habitats and would not substantially modify its value for special-status or common terrestrial species. The plants in this natural community are adapted to periodic inundation events within the Yolo Bypass. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in a seasonal increase in the frequency and duration of inundation of 3 acres of tidal freshwater emergent wetland habitats. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels. The reconnection of these wetlands to stream flooding events would be beneficial to their ecological function, especially as they relate to BDCP target terrestrial and aquatic species. Foraging activity and refuge sites would be expanded into areas currently unavailable or infrequently available to some aquatic species.

In summary, 27-618 acres of tidal freshwater emergent wetland natural community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5). Tidal freshwater emergent wetland natural community is a habitat of great value to both terrestrial and aquatic species in the study area, and increases in inundation for relatively short periods of time would not reduce the acreage or the value of this community.

NEPA Effects: Periodic inundation would not result in a net permanent reduction in the acreage or value of tidal freshwater emergent wetland in the study area. Therefore, there would be no adverse effect.

CEQA Conclusion: An estimated 27–61 acres of tidal freshwater emergent wetland natural community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. This community is of great value to aquatic and terrestrial species in the study area. The periodic inundation would not result in a net permanent reduction in the acreage or value of this community in the study area. Therefore, there would be a less-than-significant impact on the tidal freshwater emergent wetland natural community.

Impact BIO-8: Modification of Tidal Freshwater Emergent Wetland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect tidal freshwater emergent wetland natural community in the study area. The ongoing actions would include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels. These actions are associated with CM1 (see Impact BIO-7 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Reduced diversions from the south Delta channels would not create a reduction in tidal freshwater emergent wetland in the study area. However, the periodic changes in flows in the Sacramento River, Feather River, and American River associated with modified reservoir operations, and the increased diversion of Sacramento River flows at north Delta intakes associated with Alternative 4 (Operational Scenario H) would affect salinity, water temperature, dissolved oxygen levels, turbidity, contaminant levels and dilution capacity in these rivers and Delta waterways. These changes are discussed in detail in Chapter 8, *Water Quality*, of the Draft EIR/EIS. Potentially substantial increases in electrical conductivity (salinity) are predicted for the west Delta and Suisun Marsh as a result of these changed water operations. These salinity changes may alter the plant composition of tidal freshwater emergent wetland along the lower Sacramento and San Joaquin Rivers and west Delta islands. The severity and extent of these salinity changes would be complicated by anticipated sea level rise and the effects of downstream tidal restoration over the life of the Plan. There is the potential that some tidal freshwater marsh may become brackish. These potential changes are not expected to result in a significant reduction in the acreage and value of tidal freshwater emergent wetland natural community in the study area.

  The increased diversion of Sacramento River flows in the north Delta would result in reductions in sediment load (annual mass) flowing into the central and west Delta, and Suisun Marsh. The reduction is estimated to be approximately 9% of the river's current sediment load for Alternative 4, which would have a north Delta diversion capacity of 9,000 cfs under Operational Scenario H (see ~~BDCP~~ Appendix 5.C, Attachment 5C.D, Section 5C.D.3.3, *Summary of Changes to Sediment Supply in the Plan Area due to BDCP Shift in Export Location and Volume*, in the Draft BDCP, for a detailed analysis of this issue). This would contribute to a decline in sediment reaching the Delta and Suisun Marsh that has been occurring over the past 50-plus years due to a gradual depletion of sediment from the upstream rivers. The depletion has been caused by a variety of factors, including depletion of hydraulic mining sediment in upstream areas, armoring of river channels and a cutoff of sediment due to dam construction on the Sacramento River and its major tributaries (Wright and Schoellhamer 2004; Barnard et al. 2013).

  Reduced sediment load flowing into the Delta and Suisun Marsh could have an adverse effect on tidal marsh, including tidal freshwater emergent wetland. Sediment trapped by the marsh vegetation allows the emergent plants to maintain an appropriate water depth as water levels gradually rise from the effects of global warming (see Chapter 29, *Climate Change*, of the Draft EIR/EIS). The BDCP proponents have incorporated an environmental commitment (see Appendix 3B, Section 3B.1.19, *Disposal and Reuse of Spoil, Reusable Tunnel Material and Dredged Material*, of the Draft EIR/EIS) into the project that would lessen this potential effect. The Sacramento River water diverted at north Delta intakes would pass through sedimentation basins before being discharged~~pumped~~ to water conveyance structures. The commitment states that sediment collected in these basins would be periodically removed and reused, to the greatest extent feasible, in the Plan Area for a number of purposes, including marsh restoration, levee maintenance, subsidence reversal, flood response, and borrow area fill. The portion of the sediment re-introduced to the Delta and estuary for marsh restoration would remain available for marsh accretion. With this commitment to reuse in the Plan Area, the removal of sediment at the north Delta intakes would not result in a net reduction in the acreage and value of this special-status marsh community. The effect would not be adverse (NEPA) and would be less than significant (CEQA).

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in or adjacent to tidal freshwater emergent wetland habitats. This activity could lead to increased soil erosion, turbidity and runoff entering tidal aquatic habitats. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within emergent wetland habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (CM11). Use of herbicides to control nuisance vegetation could pose a long-term hazard to tidal freshwater emergent wetland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to tidal aquatic areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments~~ are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Channel dredging.* Long-term operation of the Alternative 4 intakes on the Sacramento River would include periodic dredging of sediments that might accumulate in front of intake screens. The dredging would occur in waterways adjacent to tidal freshwater emergent wetlands and would result in short-term increases in turbidity and disturbance of the substrate. These conditions would not eliminate the community, but would diminish its value for special-status and common species that rely on it for cover or foraging area. The individual species effects are discussed later in this chapter.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For tidal freshwater emergent wetland community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of tidal freshwater emergent wetland natural community in the study area through changes in flow patterns and resultant changes in water quality. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM4 Tidal Natural Communities Restoration*. The management actions associated with levee repair, periodic dredging and control of invasive plant species would also result in a long-term benefit to the species associated with tidal freshwater emergent wetland habitats by improving water movement.

NEPA Effects**:** Ongoing operation, maintenance, and management activities would not result in a net permanent reduction in the tidal freshwater emergent wetland natural community within the study area. Therefore, there would be no adverse effect on this natural community.

CEQA Conclusion**:** The operation and maintenance activities associated with Alternative 4, including changed water operations in the upstream rivers, would have the potential to create minor changes in total acreage of tidal freshwater emergent wetland natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, and AMM5 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in these habitats. Long-term restoration activities associated with *CM4 Tidal Natural Communities Restoration* would greatly expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact on the tidal freshwater emergent wetland natural community.

Valley/Foothill Riparian

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the valley/foothill riparian natural community. Initial development and construction of CM1, CM2, CM4, CM5, and CM6 would result in both permanent and temporary removal of this community(see Table 12-4-4). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the valley/foothill riparian natural community.

- Restore or create 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect 750 acres of existing valley/foothill riparian natural community in Conservation Zone 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Maintain 1,000 acres of early- to mid-successional vegetation with a well-developed understory of dense shrubs on restored seasonally inundated floodplain (Objective VFRNC2.2, associated with CM5 and CM7).
- Maintain 500 acres of mature riparian forest in Conservation Zones 4 or 7 (Objective VFRNC2.3, associated with CM3 and CM7).
- Maintain 500 acres of mature riparian forest (VFRNC2.3) intermixed with a portion of the early- to late-successional riparian vegetation (VFRNC2.2,) in large blocks with a minimum patch size of 50 acres and minimum width of 330 feet (Objective VFRNC2.4, associated with CM3 and CM7).
- Maintain or increase abundance and distribution of valley/foothill riparian natural community vegetation alliances that are rare or uncommon as recognized by California Department of Fish and Game (2010), such as button willow thickets alliance and blue elderberry stands alliance (Objective VFRNC3.1).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of valley/foothill riparian natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-4. Changes in Valley/Foothill Riparian Natural Community Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Permanent		Temporary		Periodic[d]	
	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~34~~42	~~34~~42	~~30~~31	~~30~~31	0	0
CM2	89	89	88	88	51–92	0
CM4	298	552	0	0	0	0
CM5	0	43	0	35	0	266
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~421~~429**	**~~718~~726**	**~~118~~119**	**~~153~~154**	**51–92**	**266**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term

LLT = late long-term

Unk. = unknown

Impact BIO-9: Changes in Valley/Foothill Riparian Natural Community as a Result of Implementing BDCP Conservation Measures

Construction, land grading and habitat restoration activities that would accompany the implementation of CM1, CM2, CM4, CM5, and CM6 would permanently eliminate an estimated ~~718~~ 726 acres and temporarily remove ~~153~~ 154 acres of valley/foothill riparian natural community in the study area. These modifications represent approximately 5% of the 17,966 acres of the community that is mapped in the study area. The majority of the permanent and temporary losses would happen during the ~~first 10 years~~ near-term time period of Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Valley/foothill riparian protection (750 acres) and restoration (800 acres) would be initiated during the same period, which would begin to offset the losses. By the end of the Plan period, 5,000 acres of this natural community would be restored. The ~~BDCP beneficial effects~~ analysis in ~~(BDCP~~ Chapter 5, Section 5.4.5.2, *Beneficial Effects*, of the Draft BDCP~~)~~ indicates that implementation of Alternative 4 would restore or create 5,000 acres of riparian forest and scrub in Conservation Zones 1, 2, 4, 5, 6, and 7, with at least 3,000 acres occurring on restored seasonally inundated floodplain. Alternative 4 would also protect 750 acres of existing valley/foothill riparian natural community in Conservation Zone 7.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation:* Construction of the Alternative 4 water conveyance facilities would permanently remove ~~34~~ 42 acres and temporarily remove ~~30~~ 31 acres of valley/foothill riparian natural community. The permanent losses would occur where Intakes 2, 3, and 5 encroach on the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees (acacia) and scrub vegetation (see Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). Cottonwood, willow and mixed brambles would be permanently lost at the ponds created by excavation for the peripheral canal both north and south of Twin Cities Road just west of Interstate 5, as these sites would be used to deposit reusable tunnel material. Some cottonwood and valley oak riparian would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area. ~~Willow and~~Blackberry brambles would also be lost to deposit of reusable tunnel material at the ~~west~~ east end of Bouldin Island. Smaller areas dominated by blackberry would be eliminated at the forebay site adjacent to Clifton Court Forebay and patches of willow and blackberry would be lost along the transmission line corridors where they cross waterways in the central and south Delta. ~~Temporary~~ Permanent losses would occur where ~~pipelines~~ the realigned Highway 160 would cross Snodgrass Slough ~~and other small waterways east of the Sacramento River, where temporary work areas surround intake sites,~~ and along Lambert Road where permanent utility lines would be installed. Temporary losses would also~~os~~ occur adjacent to temporary intake work areas. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak, cottonwood, willow and scrub vegetation. These losses would take place during the near-term construction period.

- *CM2 Yolo Bypass Fisheries Enhancement:* Implementation of CM2 involves a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. All of these activities could involve excavation and grading in valley/foothill riparian areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 89 acres could be permanently lost and another 88 acres could be temporarily removed. Most of the riparian losses would occur at the north end of Yolo Bypass where major fish passage improvements are planned. This vegetation is a mix of valley oak, cottonwood, sycamore and willow trees. The riparian areas here are primarily small, disconnected patches with moderate to low value as wildlife movement corridors. Most of these patches lack structural complexity. Excavation to improve water movement in the Toe Drain and in the Sacramento Weir would remove similar linear strips of vegetation. These losses would occur primarily in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration:* Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently inundate or remove 552 acres of valley/foothill riparian community. The losses would be spread among most of the ROAs established for tidal restoration (see Figure 12-1). No losses would occur from Suisun Marsh restoration. These ROAs support a mix of riparian vegetation types, including valley oak stands, extensive willow and cottonwood stringers along waterways, and areas of scrub vegetation dominated by blackberry. These areas are considered of low to moderate habitat value (~~BDCP~~ see Chapter 5, Section 5.4.5.1.1, *Permanent Loss and Fragmentation*, of the Draft BDCP). The actual loss of riparian habitat to marsh restoration would be expected to be smaller than predicted by use of the theoretical footprint. As marsh restoration projects were identified and planned, sites could be selected that avoid riparian areas as much as possible.

- *CM5 Seasonally Inundated Floodplain Restoration:* Floodplain restoration levee construction would permanently remove 43 acres and temporarily remove 35 acres of valley/foothill riparian natural community. The construction-related losses would be considered a permanent removal of the habitats directly affected. These losses would be expected to occur along the San Joaquin River and other major waterways in CZ 7 (see Figure 12-1). This activity is scheduled to start following construction of water conveyance facilities~~, which is expected to take 10 years~~.
- *CM6 Channel Margin Enhancement:* Channel margin habitat enhancement could result in removal of small amounts of valley/foothill riparian habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur along waterway margins where riparian habitat stringers exist, including levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.
- *CM7 Riparian Natural Community Restoration:* The valley/foothill riparian natural community would be restored primarily in association with the tidal (CM4) and floodplain (CM5) restoration and channel margin enhancements. Following community-specific goals and objectives in the Plan, a total of 5,000 acres of this community would be restored (Objective VFRNC1.1) and 750 acres would be protected (Objective VFRNC1.2) over the life of the Plan. Approximately 800 acres would be restored and the entire 750 acres would be protected in the first 10 years of Plan implementation. Riparian restoration and protection would be focused in CZ 4 and CZ 7 (Objective VFRNC2.3), with a goal of adding a 500-acre portion of the restoration in one or the other of these zones. A variety of successional stages would also be sought to benefit the variety of sensitive plant and animal species that rely on this natural community in the study area (Objective VFRNC2.4).

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would affect the valley/foothill riparian natural community through CM1 construction losses (~~34~~ 42 acres permanent and ~~30~~ 31 acres temporary) and the CM2 construction losses (89 acres permanent and 88 acres temporary). These losses would occur along the eastern bank of the Sacramento River at intake sites; along transmission lines in the central and south Delta and along Lambert Road; at reusable tunnel material storage sites near Twin Cities Road, Clifton Court Forebay, and on Bouldin Island; and in the northern Yolo Bypass. Approximately 298 acres of the inundation and construction-related loss from CM4 would occur in the near-term. These losses would occur throughout the ROAs mapped in Figure 12-1.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and protection/restoration actions associated with BDCP conservation components. Loss of valley/foothill riparian natural community would be considered a loss in acreage of a sensitive natural community, and could be considered a loss of wetlands as defined in Section 404 of the CWA. As indicated above, most of the losses would be in small patches or narrow strips along waterways, with limited structural complexity. However, the restoration of 800 acres and protection (including significant enhancement) of 750 acres of valley/foothill riparian natural community as part of CM7 and CM3 during the first 10 years of

Alternative 4 implementation would minimize this near-term loss, avoiding any adverse effect. At least 400 acres of the protection is planned for the first 5 years of Alternative 4 implementation. The restoration areas would be large areas providing connectivity with existing riparian habitats and would include a variety of trees and shrubs to produce structural complexity. Typical project-level mitigation ratios (1:1 for restoration and 1:1 for protection) would indicate that ~~539~~ 548 acres of protection and ~~539~~ 548 acres of restoration would be needed to offset (i.e., mitigate) the ~~539~~ 548 acres of loss (the combination of permanent and temporary losses in the near-term listed in Table 12-4-4). The combination of the two approaches (protection and restoration) are designed to avoid a temporal lag in the value of riparian habitat available to sensitive species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM*2 *Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities, and AMM18 Swainson's Hawk and White-Tailed Kite.* All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in approximately 5% losses of valley/foothill riparian natural community in the study area. These losses (~~718~~ 726 acres of permanent and ~~153~~ 154 acres of temporary) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), inundation during tidal marsh restoration (CM4), and setback of levees during floodplain expansion (CM5). Inundation losses would occur through the course of the BDCP restoration program at various tidal restoration sites throughout the study area. By the end of the Plan timeframe, a total of 5,000 acres of this natural community would be restored and 750 acres would be protected (CM7 and CM3, respectively), primarily in CZ 4 and CZ 7 in the Cosumnes/Mokelumne and South Delta ROAs (see Figure 12-1).

NEPA Effects: The restoration of 800 acres and protection (including significant enhancement) of 750 acres of valley/foothill riparian natural community as part of CM7 and CM3 during the first 10 years of Alternative 4 implementation would minimize the near-term loss of this community, avoiding any adverse effect. Because of the Plan's commitment to restoration of 5,000 acres and protection of 750 acres of valley/foothill riparian natural community during the course of the Plan, Alternative 4 would not result in a net long-term reduction in the acreage of a sensitive natural community; the effect would be beneficial.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the loss of approximately ~~539~~ 548 acres of valley/foothill riparian natural community due to construction of the water conveyance facilities (CM1) and fish passage improvements (CM2), and inundation during tidal marsh restoration (CM4). The construction losses would occur primarily along the Sacramento River at intake sites; along transmission corridors in the central and south Delta and along Lambert Road; at reusable tunnel material storage sites on Bouldin Island, Clifton Court Forebay and near Twin Cities Road; and within the northern section of the Yolo Bypass, while inundation losses would occur at various tidal restoration sites throughout the study area. The construction losses would be spread across ~~a 10-year~~the near-term timeframe. These losses would be minimized by planned restoration of 800 acres (CM7) and protection (including significant enhancement) of 750 acres (CM3) of valley/foothill riparian natural community scheduled for the first 10 years of Alternative 4 implementation. At least 400 acres of the protection is planned for the first 5 years of Alternative 4 implementation. AMM1, AMM2, AMM6, AMM7, AMM10, and AMM18 would also be implemented to minimize impacts. Because of these near-term restoration and protection activities and AMMs, impacts would be less than significant. Typical project-level mitigation ratios (1:1 for protection and 1:1 for restoration) would indicate that ~~539~~ 548 acres of protection and ~~539~~ 548 acres of restoration would be needed to offset (i.e., mitigate) the ~~539~~ 548 acres of loss. The combination of the two approaches (protection and restoration) is designed to avoid a temporal lag in the value of riparian habitat available to sensitive species. The restoration would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species, and would result in a net gain in acreage of this sensitive natural community.

Late Long-Term Timeframe

At the end of the Plan period, ~~871~~ 880 acres of valley/foothill riparian natural community would be permanently or temporarily removed by conservation actions, 5,000 acres would be restored and 750 acres would be protected. There would be no net permanent reduction in the acreage of this sensitive natural community within the study area. Therefore, Alternative 4 would not have a substantial adverse effect on this natural community; the impact would be beneficial.

Impact BIO-10: Increased Frequency, Magnitude and Duration of Periodic Inundation of Valley/Foothill Riparian Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of valley/foothill riparian natural community at scattered locations, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways of the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation of 51–92 acres of valley/foothill riparian natural community. The area more frequently inundated would vary with the flows that would be passed through the newly constructed notch in the Fremont Weir. The 51 acres would be created by a notch flow of 8,000 cfs and the 92 acres would be created by a notch flow of 4,000 cfs. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. These increased flow conditions would be expected to occur in no more than 30% of all years ~~(see BDCP Chapter 5, Section 5.4.1.2)~~. The valley/foothill riparian community occurs throughout the bypass, including a large acreage just below Fremont Weir in the north end of the bypass. There are other riparian habitat areas on Liberty Island, and, to a lesser extent, along the eastern and western edges of the bypass, including along the Tule Canal/Toe Drain, the west side channels and the Sacramento Bypass. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and

May). The modification of periodic inundation events would not adversely affect riparian habitats, as they have persisted under similar high flows and extended inundation periods in the Yolo Bypass. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in an increase in the frequency and duration of inundation of 266 acres of valley/foothill riparian habitats. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels in CZ 7 (see Figure 12-1). The reconnection of riparian vegetation to periodic stream flooding events would be beneficial to the ecological function of this natural community, especially in the germination and establishment of native riparian plants as flood scour increases.

In summary, 317–368 acres of valley/foothill riparian community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5). The valley/foothill riparian community is conditioned to and benefits from periodic inundation; therefore, periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. The increased inundation could create a beneficial effect on the community as it relates to germination and establishment of native riparian plants.

NEPA Effects: Increasing periodic inundation of valley/foothill riparian natural community in the Yolo Bypass and along south Delta waterways would have a beneficial effect on the community.

CEQA Conclusion: An estimated 317–368 acres of valley/foothill riparian community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. The valley/foothill riparian community is conditioned to and benefits from periodic inundation; therefore, periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Increasing periodic inundation of valley/foothill riparian natural community in the Yolo Bypass and along south Delta waterways would have a beneficial impact on the community.

Impact BIO-11: Modification of Valley/Foothill Riparian Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect valley/foothill riparian natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, reduced diversions from south Delta channels, and recreational use of reserve areas. These actions are associated with CM1 and CM11(see Impact BIO-10 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified releases and water levels in upstream reservoirs.* Modified releases and water levels at Shasta Lake, Lake Oroville, Whiskeytown Lake, Lewiston Lake, and Folsom Lake would not affect valley/foothill riparian natural community. The anticipated water levels over time with Alternative 4, as compared to no action, would be slightly lower in the October to May timeframe. The small changes in frequency of higher water levels in these lakes would not substantially reduce the small patches of riparian vegetation that occupy the upper fringes of the reservoir pools. Changes in releases that would influence downstream river flows are discussed below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area and their resultant changes in flows in the Sacramento, American and Feather Rivers (associated with Operational Scenario H) would not be expected to result in the permanent reduction in acreage of valley/foothill riparian natural community along these waterways. There is no evidence that flow levels in the upstream rivers would change such that the acreage of this community would be reduced on a permanent basis. Riparian habitats along the rivers of the Sacramento Valley have historically been exposed to significant variations in river stage. Based on modeling conducted for the BDCP (see Appendix 11C, *CALSIM II Model Results Utilized in the Fish Analysis*, of the Draft EIR/EIS), flow levels in these upstream rivers could be reduced by as much as 19% in the July to November time frame when compared to No Action, while flow levels in the February to May time frame could increase as much as 48% with implementation of Alternative 4. Similarly, increased diversions of Sacramento River flows in the north Delta would not be expected to result in a permanent reduction in valley/foothill riparian community downstream of these diversions, even though river flows are modeled to be reduced by 11–27% compared with No Action, depending on month and water-year type (see ~~Section 11C.4 in~~ Appendix 11C, Section 11C.4, *Alternative 4*, in the Draft EIR/EIS). Reduced diversions from the south Delta channels would not create a reduction in this natural community.

  The periodic changes in flows in the Sacramento River, Feather River, and American River associated with modified reservoir operations, and the increased diversion of Sacramento River flows at north Delta intakes associated with Alternative 4 would affect salinity, water temperature, dissolved oxygen levels, turbidity, contaminant levels and dilution capacity in these rivers and Delta waterways. These changes are discussed in detail in Chapter 8, *Water Quality*, of the Draft EIR/EIS. Potentially substantial increases in electrical conductivity (salinity) are predicted for the west Delta and Suisun Marsh as a result of these changed water operations. These salinity changes may alter the plant composition of riparian habitats along the lower Sacramento and San Joaquin Rivers and west Delta islands. The severity and extent of these salinity changes would be complicated by anticipated sea level rise and the effects of downstream tidal restoration over the life of the Plan. There is the potential that some valley/foothill riparian natural community may be degraded immediately adjacent to river channels. The riparian communities in the west Delta are dominated by willows, cottonwood and mixed brambles. These potential changes are not expected to result in a significant reduction in the acreage and value of valley/foothill riparian natural community in the study area.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in valley/foothill riparian habitats. This activity could lead to increased soil erosion, turbidity and runoff entering these habitats. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best*

Management Practices and Monitoring and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within riparian habitats would require use of sediment barriers, soil stabilization and revegetation of disturbed surfaces (*AMM10 Restoration of Temporarily Affected Natural Communities*). Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to valley/foothill riparian natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to riparian areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments~~ are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in terrestrial environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Channel dredging.* Long-term operation of the Alternative 4 intakes on the Sacramento River would include periodic dredging of sediments that might accumulate in front of intake screens. The dredging could occur adjacent to valley/foothill riparian natural community. This activity should not adversely affect riparian plants as long as dredging equipment is kept out of riparian areas and dredge spoil is disposed of outside of riparian corridors.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the valley/foothill riparian natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

- *Recreation.* The BDCP would allow for certain types of recreation in and adjacent to valley/foothill riparian natural community in the reserve system. The activities could include wildlife and plant viewing and hiking. *CM11 Natural Communities Enhancement and Management* (~~BDCP ~~Chapter 3, Section 3.4.11 of the Draft BDCP and Appendix D, Section D.3.2.5 of this RDEIR/SDEIS) describes this program and identifies applicable restrictions on recreation that might adversely affect riparian habitat. The BDCP also includes an avoidance and minimization measure (AMM37) that further dictates limits on recreation activities that might affect this natural community. Priority would be given to use of existing trails and roads, with some potential for new trails. Limited tree removal and limb trimming could also be involved.

The various operations and maintenance activities described above could alter acreage of valley/foothill riparian natural community in the study area through changes in flow patterns and resultant changes in water quality. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Recreation activities could encroach on riparian areas and require occasional tree removal. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration and protection activities planned as part of *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration*, or minimized by implementation of AMM2, AMM4, AMM5, AMM10, AMM18, and AMM37. The management actions associated with levee repair, periodic dredging and control of invasive plant species would also result in a long-term benefit to the species associated with riparian habitats by improving water movement in adjacent waterways and by eliminating competitive, invasive species of plants.

***NEPA Effects*:** Ongoing operation, maintenance and management activities associated with implementation of Alternative 4 would not result in a net permanent reduction in the valley/foothill riparian natural community within the study area. Therefore, there would be no adverse effect on this natural community.

***CEQA Conclusion*:** The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of valley/foothill riparian natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, AMM5, AMM10, and AMM18 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including reduced competition from invasive, nonnative plants in these habitats. Long-term restoration and protection activities associated with *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* would expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact on the valley/foothill riparian natural community.

Nontidal Perennial Aquatic

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the nontidal perennial aquatic natural community. Initial development and construction of CM1, CM2, CM4, CM5, and CM6 would result in both permanent and temporary removal of this community(see Table 12-4-5). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the nontidal perennial aquatic natural community.

- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of nontidal perennial aquatic natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-5. Changes in Nontidal Perennial Aquatic Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~57~~59	~~57~~59	~~7~~10	~~7~~10	0	0
CM2	24	24	12	12	50–77	0
CM4	34	189	0	0	0	0
CM5	0	28	0	16	0	25
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~115~~117**	**~~298~~300**	**~~19~~22**	**~~35~~38**	**50–77**	**25**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-12: Changes in Nontidal Perennial Aquatic Natural Community as a Result of Implementing BDCP Conservation Measures

Construction and land grading activities that would accompany the implementation of CM1, CM2, CM4, CM5, and CM6 would permanently eliminate an estimated ~~298~~ 300 acres and temporarily remove ~~35~~ 38 acres of nontidal perennial aquatic natural community in the study area. These modifications represent approximately 6% of the 5,567 acres of the community that is mapped in the study area. Approximately 45% (~~134~~ 139 acres) of the permanent and temporary losses would occur during the ~~first 10 years~~ near-term of Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Natural communities restoration would add 400 acres (CM10) of nontidal marsh during the same period which would expand the area of that habitat and offset the losses. The nontidal marsh restoration would include a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland natural communities, as specified in Objective NFEW/NPANC1.1. The ~~BDCP beneficial effects~~ analysis ~~(BDCP~~ in Chapter 5, Section 5.4.6.2, *Beneficial Effects*, of the Draft BDCP~~)~~ indicates that implementation of Alternative 4 would result in the restoration of 1,200 acres of nontidal marsh, and that the restoration would occur in blocks that are contiguous with the Plan's larger reserve system. The nontidal marsh would be restored in the vicinity of giant garter snake subpopulations identified in the recovery plan for this species (U.S. Fish and Wildlife Service 1998).

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of the Alternative 4 water conveyance facilities would permanently remove ~~57~~ 59 acres and temporarily remove ~~7~~ 10 acres of nontidal perennial aquatic community. Most of the permanent loss would occur at ~~reusable tunnel material storage sites on southern Mandeville Island and in~~ the linear ponds associated with the proposed peripheral canal north and south of Twin Cities Road just west of Interstate 5 and a reusable tunnel material storage site on Bouldin Island (see Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). Most of the temporary loss would occur where transmission line construction would cross Mandeville Island. These wetlands are linear ponds or small, isolated areas surrounded by agricultural land. These losses would take place during the near-term construction period.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 involves a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, west side channels modifications, Putah Creek realignment activities, and Sacramento Weir and Tule Canal improvements. All of these activities could involve excavation and grading in nontidal perennial aquatic areas to improve passage of fish through the bypass. Based on hypothetical construction footprints, a total of 24 acres could be permanently lost and another 12 acres could be temporarily removed. This activity would occur primarily in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration*: Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently change to tidally influenced inundation or remove 189 acres of nontidal perennial aquatic community. These losses would be expected to occur primarily in the Cache Slough and Cosumnes/Mokelumne ROAs (see Figure 12-1). An estimated 1,200 acres of nontidal marsh would be restored. Approximately 400 acres of the restoration (CM10) would happen during the first 10 years of Alternative 4 implementation, which would coincide with the timeframe of water conveyance facilities construction and early restoration activities. The remaining restoration would be spread over the following 30 years. Nontidal natural communities restoration is expected to be focused in the CZs 2, 4 and/or 5 in Figure 12-1.

- *CM5 Seasonally Inundated Floodplain Restoration*: Based on theoretical footprints, floodplain restoration levee construction would permanently remove 28 acres and temporarily remove 16 acres of nontidal perennial aquatic habitat. The construction-related losses would be considered a permanent removal of the nontidal perennial aquatic habitats. It is expected that floodplain restoration would be focused on the south part of the Plan Area, in CZ 7. Floodplain restoration along the southern Delta rivers would improve connectivity for a variety of species that rely on aquatic and riparian habitats. The regional and Plan Area landscape linkages along the San Joaquin River, Middle River and Old River are included in Figure 12-2. This activity is scheduled to start following construction of water conveyance facilities~~, which is expected to take 10 years~~.

- *CM6 Channel Margin Enhancement*: Channel margin habitat enhancement could result in filling of small amounts of nontidal perennial aquatic habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur on the edges of tidal perennial aquatic habitat, including levees and channel banks. Nontidal marsh adjacent to these tidal areas could be affected. The improvements would be undertaken within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.
- *CM10 Nontidal Marsh Restoration*: CM10 would entail restoration of 1,200 acres of nontidal marsh in CZs 2, 4 and/or 5. The restoration would create a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent natural communities. This marsh restoration would occur in 25-acre or larger patches in or near giant garter snake occupied habitat and would be accompanied by adjacent grassland restoration or protection.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe~~ (the first 10 years of BDCP implementation)~~, Alternative 4 would affect the nontidal perennial aquatic community through CM1 construction losses (~~57~~ 59 acres permanent and ~~7~~ 10 acres temporary) and the CM2 construction losses (24 acres permanent and 12 acres temporary). These losses would occur primarily at linear ponds near Twin Cities Road, on southern Bouldin Island, and along the transmission corridor as it crosses Mandeville Island. Approximately 34 acres of the inundation and construction-related losses from CM4 would occur in the near-term throughout several of the ROAs mapped in Figure 12-1.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of nontidal perennial aquatic natural community would be considered both a loss in acreage of a sensitive natural community and a loss of waters of the United States as defined by Section 404 of the CWA. However, creating 400 acres of nontidal marsh as part of CM10 during the first 10 years of Alternative 4 implementation would offset this near-term loss, avoiding any adverse effect. Typical project-level mitigation ratios (1:1 for restoration and 1:1 for protection) would indicate ~~134~~ 139 acres of restoration and ~~134~~ 139 acres of protection would be needed to offset (i.e., mitigate) the ~~134~~ 139 acres of loss. While the Plan does not include protection of nontidal perennial aquatic habitat, it includes well in excess of the typical 1:1 restoration acreage (which includes protection in perpetuity), and therefore compensates for the lack of protection.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in relatively minor (6%) losses of nontidal perennial aquatic community in the study area. These losses (~~298~~ 300 acres of permanent and ~~35~~ 38 acres of temporary loss) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), change to tidally influenced inundation during tidal marsh restoration (CM4), and floodplain restoration (CM5). The changes to tidally influenced inundation would occur during the course of the CM4 restoration activities at various tidal restoration sites throughout the study area. By the end of the Plan timeframe, a total of 1,200 acres of nontidal marsh would be restored. The restoration would occur over a wide region of the study area, including within the Cosumnes/Mokelumne, Yolo Bypass, South Delta and East Delta ROAs (see Figure 12-1).

NEPA Effects: During the ~~first 10 years of~~ implementation of~~ing~~ Alternative 4 in~~during~~ the near-term, creating 400 acres of nontidal marsh as part of CM10 would offset the construction-related and inundation losses of ~~134~~ 139 acres of nontidal perennial aquatic natural community. There would be no adverse effect. During the full duration of Plan implementation, Alternative 4 would not result in a net reduction in the acreage of a sensitive natural community; there would be an expansion of nontidal marsh and the effect would be beneficial.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the loss of approximately ~~134~~ 139 acres of nontidal perennial aquatic natural community due to construction of the water conveyance facilities (CM1) and fish passage improvements (CM2), and change to tidally influenced inundation during tidal marsh restoration (CM4). The construction losses would occur primarily at reusable tunnel material storage sites near Twin Cities Road and on Bouldin Island, and along the transmission corridor where it crosses Mandeville Island. The losses would be spread across ~~a 10-year~~ the near-term timeframe. These losses would be offset by planned restoration of 400 acres of nontidal marsh scheduled for the first 10 years of Alternative 4 implementation (CM10). Also, AMM1, AMM2, AMM6, AMM7, and AMM10 would be implemented to minimize impacts. Because of these offsetting near-term restoration activities and AMMs, impacts would be less than significant. Typical project-level mitigation ratios (1:1 for restoration and 1:1 for protection) would indicate that ~~134~~ 139 acres of restoration and ~~134~~ 139 acres of protection would be needed to offset (i.e., mitigate) the ~~134~~ 139 acres of loss. While the Plan does not include protection in the near-term, it includes well in excess of the typical 1:1 restoration acreage (which includes protection in perpetuity), and therefore compensates for the lack of protection. The restoration would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species, and would result in a net gain in acreage of this sensitive natural community.

Late Long-Term Timeframe

At the end of the Plan period, ~~333~~ 338 acres of the natural community would be removed and 1,200 acres of nontidal marsh would be restored. The nontidal marsh would consist of a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland natural communities. There would be no net permanent reduction in the acreage of this sensitive natural community within the study area. Therefore, Alternative 4 would not have a substantial adverse effect on the nontidal perennial aquatic natural community; the impact would be beneficial.

Impact BIO-13: Increased Frequency, Magnitude and Duration of Periodic Inundation of Nontidal Perennial Aquatic Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of nontidal perennial aquatic natural community on small acreages, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways throughout the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation of 50–77 acres of nontidal perennial aquatic natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 50-acre increase in inundation would be associated with a notch flow of 3,000 cubic feet per second (cfs), and the 77-acre increase would result from a notch flow of 6,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. This community occurs in small stringers and patches throughout the bypass, including along the Tule Canal/Toe Drain, the western channels north of Interstate 80, and below the Fremont and Sacramento Weirs. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). The modification of periodic inundation events would not adversely affect the ecological function of this natural community and would not substantially modify its value for special-status or common wildlife species. Nontidal perennial aquatic habitats in the Yolo Bypass have developed under a long-term regime of periodic inundation events. The extended inundation would be designed to expand foraging and spawning habitat for Delta fishes. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.
- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in an increase in the frequency and duration of inundation of an estimated 25 acres of nontidal perennial aquatic habitat. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels. The reconnection of these wetlands to stream flooding events would be beneficial to the ecological function of nontidal perennial aquatic habitats as they relate to BDCP target aquatic species. The periodic flooding may also encourage germination of nontidal marsh vegetation.

In summary, 75-102 acres of nontidal perennial aquatic community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5). Nontidal perennial aquatic community in the Yolo Bypass has developed under a long-term regime of periodic inundation events and inundation along expanded river floodplains would be infrequent.

NEPA Effects: The increased inundation of nontidal perennial aquatic natural community in the Yolo Bypass and along south Delta waterways would not reduce the acreage of this natural community and could encourage germination of aquatic vegetation. This increased inundation would not be adverse.

CEQA Conclusion: An estimated 75–102 acres of nontidal perennial aquatic community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. The nontidal perennial aquatic community would not be significantly impacted because its habitats in the Yolo Bypass have developed under a long-term regime of periodic inundation events and inundation along expanded river floodplains would be infrequent. The periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Therefore, there would be no substantial adverse effect on the community. The impact would be less than significant.

Impact BIO-14: Modification of Nontidal Perennial Aquatic Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect nontidal perennial aquatic natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels. These actions would be associated with CM1 (see Impact BIO-13 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified releases and water levels in upstream reservoirs.* Modified releases and water levels at Shasta Lake, Lake Oroville, Whiskeytown Lake, Lewiston Lake, and Folsom Lake would affect nontidal perennial aquatic natural community, in the form of the reservoir pools. The Alternative 4 operations scheme would alter the surface elevations of these reservoir pools as described in Chapter 6, *Surface Water*, of the Draft EIR/EIS. These fluctuations would occur within historic ranges and would not adversely affect the natural community. Changes in releases that would influence downstream river flows are discussed below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversion from south Delta channels (associated with Operational Scenario H) would not result in the permanent reduction in acreage of the nontidal perennial aquatic natural community in the study area. Flow levels in the upstream rivers would not change such that the acreage of nontidal perennial aquatic community would be reduced on a permanent basis. Some minor increases and some decreases would be expected to occur along the major rivers during some seasons and in some water-year types, but there would be no permanent loss. Similarly, increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in nontidal perennial aquatic community downstream of these diversions. Nontidal wetlands below the diversions are not directly connected to the rivers, as this reach of the river is tidally influenced. Reduced diversions from south Delta channels would not create a reduction in this natural community.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in nontidal perennial aquatic habitats. This activity could lead to increased soil erosion, turbidity and runoff entering nontidal perennial aquatic habitats. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within aquatic habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management)*. Vegetation management is also the principal activity associated with *CM13 Invasive Aquatic Vegetation Control.* Use of herbicides to control nuisance vegetation could pose a long-term hazard to nontidal perennial aquatic natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to nontidal perennial aquatic areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans<u>, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS</u>. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

  Herbicides to remove aquatic invasive species as part of CM13 would be used to restore the normal ecological function of tidal and nontidal aquatic habitats in planned restoration areas. The treatment activities would be conducted in concert with the California Department of Boating and Waterways' invasive species removal program. Eliminating large stands of water hyacinth and Brazilian waterweed would improve habitat conditions for some aquatic species by removing cover for nonnative predators, improving water flow and removing barriers to movement (see Chapter 11, *Fish and Aquatic Resources*<u>, of the Draft EIR/EIS</u>). These habitat changes should also benefit terrestrial species that use tidal and nontidal perennial aquatic natural community for movement corridors and for foraging. Vegetation management effects on individual species are discussed in the species sections on following pages.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For nontidal perennial aquatic natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of nontidal perennial aquatic natural community in the study area through changes in flow patterns and changes in periodic inundation of this community. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM4 Tidal Natural Communities Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration*. The management actions associated with levee repair and control of invasive plant species would also result in a long-term benefit to the species associated with nontidal perennial aquatic habitats by improving water movement.

***NEPA Effects*:** Ongoing operation, maintenance and management activities would not result in a net permanent reduction in the nontidal perennial aquatic natural community within the study area. Therefore, there would be no adverse effect on this natural community.

***CEQA Conclusion*:** The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of nontidal perennial aquatic natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, and AMM5 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in these habitats. Long-term restoration activities associated with *CM10 Nontidal Marsh Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact on the nontidal perennial aquatic natural community.

Nontidal Freshwater Perennial Emergent Wetland

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the nontidal freshwater perennial emergent wetland natural community. Initial development and construction of CM1, CM2, CM4, and CM6 would result in both permanent and temporary removal of this community(see Table 12-4-6). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the nontidal freshwater perennial emergent wetland natural community.

- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10).
- Protect and manage 50 acres of occupied or recently occupied tricolored blackbird nesting habitat located within 5 miles of high-value foraging habitat in Conservation Zones 1, 2, 8 or 11. Nesting habitat will be managed to provide young, lush stands of bulrush/cattail emergent vegetation (Objective TRBL1.1).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of nontidal freshwater perennial emergent wetland natural community for terrestrial species. As explained below, with the restoration and enhancement of these amounts of habitat, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-6. Changes in Nontidal Freshwater Perennial Emergent Wetland Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	2	2	~~5~~6	~~5~~6	0	0
CM2	25	25	1	1	6–8	0
CM4	40	99	0	0	0	0
CM5	0	0	0	0	0	8
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**67**	**126**	**~~6~~7**	**~~6~~7**	**6–8**	**8**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-15: Changes in Nontidal Freshwater Perennial Emergent Wetland Natural Community as a Result of Implementing BDCP Conservation Measures

Construction and land grading activities that would accompany the implementation of CM1, CM2, CM4, and CM6 would permanently eliminate an estimated 126 acres and temporarily remove ~~6~~ 7 acres of nontidal freshwater perennial emergent wetland natural community in the study area. These modifications represent approximately 9% of the 1,509 acres of the community that is mapped in the study area. Approximately ~~58~~56% (~~73~~ 74 acres) of the permanent and temporary losses would happen during the ~~first 10 years~~near-term of Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Natural communities restoration (CM10) would add 1,200 acres of nontidal marsh, consistent with BDCP Objective NFEW/NPANC1.1, and natural communities protection (CM3) would protect 50 acres of nontidal marsh, consistent with Objective TRBL1.1. These actions would be taken over the course of BDCP marsh restoration activities, which would expand the area of that habitat and offset the losses. The nontidal marsh restoration would include a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland natural communities, as specified in Objective NFEW/NPANC1.1 (Table 3.3-2 in BDCP Chapter 3, *Conservation Strategy*). The nontidal marsh protection would be designed to support tricolored blackbird populations in the study area. The ~~BDCP beneficial effects~~ analysis ~~(BDCP~~in Chapter 5, Section 5.4.6.2, *Beneficial Effects*, of the Draft BDCP~~)~~ indicates that implementation of Alternative 4 would result in the restoration of 1,200 acres of nontidal marsh. The restoration would occur in blocks that are contiguous with the alternative's larger reserve system. The nontidal marsh would be restored in the vicinity of giant garter snake subpopulations identified in the recovery plan for this species (U.S. Fish and Wildlife Service 1998).

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation:* Construction of the Alternative 4 water conveyance facilities would permanently remove 2 acres and temporarily remove ~~5~~ 6 acres of tidal freshwater perennial emergent wetland community. The permanent losses would occur at the Clifton Court Forebay construction site and the reusable tunnel material site on Bouldin Island (see Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). The temporary loss would occur in a temporary work area and where temporary powerlines would be constructed across Mandeville Island. These wetlands are extremely small and remote water bodies, surrounded by agricultural operations. These losses would take place during the near-term construction period.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 involves a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, west side channels and Tule Canal modifications, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. Some of these activities could involve excavation and grading in nontidal freshwater perennial emergent wetland areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 25 acres could be permanently lost and 1 acre could be temporarily removed. These losses would most likely occur in the Tule Canal and west side channels at the north end of the bypass. The habitat here includes narrow bands within these side channels of the bypass and is isolated from other marsh or open water habitats. The narrow bands are bordered by riparian habitats, primarily willows and cottonwoods. This activity would occur in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration*: Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently inundate or remove 99 acres of nontidal freshwater perennial emergent wetland community, primarily in the Cache Slough ROA (see Figure 12-1). An estimated 1,200 acres of nontidal marsh would be restored (CM10) and 50 acres would be protected (CM3) during nontidal habitat conservation actions. Approximately 400 acres of the restoration and 25 acres of the protection would happen during the first 10 years of Alternative 4 implementation, which would coincide with the timeframe of water conveyance facilities construction and early tidal marsh restoration. The remaining restoration would be spread over the following 30 years. Nontidal marsh natural communities restoration is expected to be focused in the vicinity of giant garter snake populations in the eastern Delta and near the Yolo Bypass.

- *CM5 Seasonally Inundated Floodplain Restoration*: Based on theoretical footprints, floodplain restoration levee construction would not affect nontidal freshwater perennial emergent wetland natural community.
- *CM6 Channel Margin Enhancement*: Channel margin habitat enhancement could result in filling of small amounts of nontidal freshwater perennial emergent wetland habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur on the edges of tidal perennial aquatic habitat, including levees and channel banks. Nontidal marsh adjacent to these tidal areas could be affected. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.
- *CM10 Nontidal Marsh Restoration*: CM10 would entail restoration of 1,200 acres of nontidal marsh in CZs 2, 4 and/or 5. The restoration would create a mosaic of nontidal perennial aquatic and nontidal freshwater perennial emergent natural communities. This marsh restoration would occur in 25-acre or larger patches in or near giant garter snake occupied habitat and would be accompanied by adjacent grassland restoration or protection.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would affect the nontidal freshwater perennial emergent wetland community through CM1 construction losses (2 acres permanent and ~~5~~ 6 acres temporary) and the CM2 construction losses (25 acres permanent and 1 acre temporary). These losses would occur at the southern forebay, along powerlines across Mandeville Island, and in the Yolo Bypass. Approximately 40 acres of the inundation and construction-related losses from CM4 would occur in the near-term. These losses would occur primarily in the Cache Slough ROA mapped in Figure 12-1.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of nontidal freshwater perennial emergent wetland natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. However, the combination of creating 400 acres and protecting 25 acres of nontidal perennial marsh as part of CM3 and CM10 during the first 10 years of Alternative 4 implementation would offset this near-term loss, avoiding any adverse effect. Typical project-level mitigation ratios (1:1 for restoration and 1:1 for protection) would indicate ~~73~~ 74 acres of restoration and ~~73~~ 74 acres of protection would be needed to offset (i.e., mitigate) the ~~73~~ 74 acres of loss. While the Plan includes just 25 acres of protection in the near-term, it includes well in excess of the typical 1:1 restoration acreage (which includes protection in perpetuity), and therefore compensates for the shortfall in protection.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan* and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in small (9%) losses of nontidal freshwater perennial emergent wetland community in the study area. These losses (126 acres of permanent and ~~6~~ 7 acres of temporary loss) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), and inundation during tidal marsh restoration (CM4). Inundation losses would occur during the course of the CM4 restoration activities primarily at the Cache Slough ROA. By the end of the Plan timeframe, a total of 1,200 acres of nontidal marsh would be restored and 50 acres would be protected. The restoration would occur near giant garter snake occupied habitat in the eastern Delta and near Yolo Bypass, in CZs 2, 4 and 5. The 50 acres of protection would occur in CZ 1, 2, 8 or 11 to provide nesting habitat for tri-colored blackbird (see Figure 12-1).

NEPA Effects: In the near-term, the combination of creating 400 acres and protecting 25 acres of nontidal perennial marsh as part of CM3 and CM10 would offset the near-term losses associated with construction of CM1, CM2 and CM4 facilities, avoiding any adverse effect. With 1,200 acres of nontidal marsh restoration (BDCP Objective NFEW/NPANC1.1) and 50 acres of protection (BDCP Objective TRBL1.1) included with full implementation of the Plan, Alternative 4 would not result in a net long-term reduction in the acreage of a sensitive natural community; the effect would be beneficial.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the loss of approximately ~~33~~ 34 acres of nontidal freshwater perennial emergent wetland natural community due to construction of the water conveyance facilities (CM1) and fish passage improvements (CM2). The construction losses would occur near Clifton Court Forebay, along transmission line construction areas on Mandeville Island, and in the Yolo Bypass. Approximately 40 acres of the inundation and construction-related losses from CM4 would occur in the near-term. These losses would occur primarily in the Cache Slough ROA (see Figure 12-1).The losses would be spread across ~~a 10-yea~~the~~r~~ near-term timeframe. These losses would be offset by planned restoration of 400 acres and protection of 25 acres of nontidal marsh scheduled for the first 10 years of Alternative 4 implementation (CM3 and CM10). AMM1, AMM2, AMM6, AMM7, and AMM10 would also be implemented to minimize impacts. Because of these offsetting near-term restoration activities and AMMs, impacts would be less than significant. Typical project-level mitigation ratios (1:1 for restoration and 1:1 for protection) would indicate that ~~73~~ 74 acres of restoration and ~~73~~ 74 acres of protection would be needed to offset (i.e., mitigate) the ~~73~~ 74 acres of loss. While the Plan includes just 25 acres of protection in the near-term, it includes well in excess of the typical 1:1 restoration acreage (which includes protection in perpetuity), and therefore compensates for the shortfall in protection. The restoration and protection would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species, and would result in a net gain in acreage of this sensitive natural community.

Late Long-Term Timeframe

At the end of the Plan period, ~~132~~ 133 acres of the natural community would be removed, 1,200 acres of nontidal marsh would be restored (BDCP Objective NFEW/NPANC1.1) and 50 acres of nontidal marsh would be protected (BDCP Objective TRBL1.1). There would be no net permanent reduction in the acreage of this sensitive natural community within the study area. Therefore, Alternative 4 would not have a substantial adverse effect on the nontidal freshwater perennial emergent wetland natural community; the impact would be beneficial.

Impact BIO-16: Increased Frequency, Magnitude and Duration of Periodic Inundation of Nontidal Freshwater Perennial Emergent Wetland Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of nontidal freshwater perennial emergent wetland natural community on small acreages, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways throughout the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency and duration of inundation of 6-8 acres of nontidal freshwater perennial emergent wetland natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 6-acre increase in inundation would be associated with a notch flow of 1,000 cubic feet per second (cfs), and the 8-acre increase would result from a notch flow of 6,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. This community occurs in small stringers and isolated patches along the Tule Canal and western channel in the north end of the bypass. These areas are not connected to other adjacent marsh and open water habitats; they are surrounded by riparian habitat, scoured grassland and agricultural lands. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). The modification of periodic inundation events would not adversely affect the ecological function of this natural community and would not substantially modify its value for special-status or common wildlife species. Nontidal freshwater perennial emergent wetland plant species in the Yolo Bypass have developed under a long-term regime of periodic inundation events. The extended inundation would be designed to expand foraging and spawning habitat for Delta fishes. The effects of this increased inundation on terrestrial wildlife and plant species are described in detail in later sections of this chapter.
- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in an increase in the frequency and duration of inundation of an estimated 8 acres of nontidal freshwater perennial emergent wetland habitat. Specific locations for this restoration activity

have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels. The reconnection of these wetlands to stream flooding events would be beneficial to the ecological function of nontidal freshwater perennial emergent wetland habitats as they relate to BDCP target aquatic species. The added exposure to inundation could also encourage germination of nontidal marsh plant species. Foraging activity and refuge sites would be expanded into areas currently unavailable or infrequently available to some aquatic species.

In summary, from 14-16 acres of nontidal freshwater perennial emergent wetland community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5). This community would not be adversely affected because its habitats in the Yolo Bypass have developed under a long-term regime of periodic inundation events and inundation along expanded river floodplains would be infrequent.

NEPA Effects: The increased inundation of nontidal freshwater perennial emergent wetland natural community in the Yolo Bypass and in the southern Delta would not reduce the acreage of this natural community and could encourage germination of emergent wetland vegetation. The increased inundation would not be an adverse effect.

CEQA Conclusion: An estimated 16-18 acres of nontidal freshwater perennial emergent wetland community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. This community would not be significantly impacted because its habitats in the Yolo Bypass have developed under a long-term regime of periodic inundation events and inundation along expanded river floodplains would be infrequent. The periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Therefore, there would be no substantial adverse effect on the community. The impact would be less than significant on the nontidal freshwater perennial emergent wetland natural community.

Impact BIO-17: Modification of Nontidal Freshwater Perennial Emergent Wetland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect nontidal freshwater perennial emergent wetland natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels. These actions are associated with CM1 (see Impact BIO-16 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified releases and water levels in upstream reservoirs.* Modified releases and water levels at Shasta Lake, Lake Oroville, Whiskeytown Lake, Lewiston Lake, and Folsom Lake would not affect the nontidal freshwater perennial emergent wetland natural community. These reservoirs do not support significant stands of freshwater emergent wetlands. Changes in releases that would influence downstream river flows are discussed below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not result in the permanent reduction in acreage of the nontidal freshwater perennial emergent wetland natural community in the study area. The majority of this wetland type exists outside of the levees of the larger rivers and would not be affected by flow changes in river or Delta channels. Similarly, increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in nontidal freshwater perennial emergent wetland community downstream of these diversions. Nontidal wetlands below the diversions are not directly connected to the rivers, as this reach of the river is tidally influenced. Reduced diversions from south Delta channels would not create a reduction in this natural community.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in nontidal freshwater perennial emergent wetland habitats. This activity could lead to increased soil erosion, turbidity and runoff entering nontidal freshwater perennial habitats. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within aquatic habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to nontidal freshwater perennial emergent wetland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to nontidal perennial wetland areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

  Herbicides to remove aquatic invasive species as part of CM13 would be used to restore the normal ecological function of tidal and nontidal aquatic habitats in planned restoration areas. The treatment activities would be conducted in concert with the California Department of Boating and Waterways' invasive species removal program. Eliminating large stands of water hyacinth and Brazilian waterweed would improve habitat conditions for some aquatic species by removing cover for nonnative predators, improving water flow and removing barriers to movement (see Chapter 11, *Fish and Aquatic Resources*, of the Draft EIR/EIS). These habitat changes should also benefit terrestrial species that use tidal and nontidal freshwater perennial emergent wetland natural community for movement corridors and for foraging. Vegetation management effects on individual species are discussed in the species sections on following pages.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For nontidal freshwater perennial emergent wetland natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of nontidal freshwater perennial emergent wetland natural community in the study area through changes in flow patterns and changes in periodic inundation of this community. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM10 Nontidal Marsh Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration*. The management actions associated with levee repair and control of invasive plant species would also result in a long-term benefit to the species associated with nontidal freshwater perennial emergent wetland habitats by improving water movement.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in the nontidal freshwater perennial emergent wetland natural community within the study area. Therefore, there would be no adverse effect on this natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of nontidal freshwater perennial emergent wetland natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, and AMM5 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in and adjacent to these habitats. Long-term restoration activities associated with *CM10 Nontidal Marsh Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would expand this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area.

Therefore, there would be a less-than-significant impact on the nontidal freshwater perennial emergent wetland natural community.

Alkali Seasonal Wetland Complex

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the alkali seasonal wetland complex natural community. Initial development and construction of CM1, CM2 and CM4 would result in both permanent and temporary removal of this community(see Table 12-4-7). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the alkali seasonal wetland natural community.

- Protect 150 acres of alkali seasonal wetland in Conservation Zones 1, 8 and/or 11 among a mosaic of protected grasslands and vernal pool complex (Objective ASWNC1.1, associated with CM3).
- Restore or create alkali seasonal wetlands in Conservation Zones 1, 8, and/or 11 to achieve no net loss of wetted acres (up to 72 acres of alkali seasonal wetland complex restoration) (Objective ASWNC1.2, associated with CM3 and CM9).
- Provide appropriate seasonal flooding characteristics for supporting and sustaining alkali seasonal wetland species (Objective ASWNC2.1, associated with CM3 and CM11).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of alkali seasonal wetland natural community for terrestrial species. As explained below, with the protection, restoration, and enhancement of the amounts of habitat listed in the BDCP objectives, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-7. Changes in Alkali Seasonal Wetland Complex Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~0~~2	~~0~~2	~~2~~0	~~2~~0	0	0
CM2	45	45	0	0	264–744	0
CM4	13	27	0	0	0	0
CM5	0	0	0	0	0	0
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~58~~60**	**~~72~~74**	**~~2~~0**	**~~2~~0**	**264–744**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. They represent the total loss of habitat that would occur over the 50-year life of the Plan. The LLT totals do not reflect the increases in habitat that would result from restoration and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-18: Changes in Alkali Seasonal Wetland Complex Natural Community as a Result of Implementing BDCP Conservation Measures

Construction, land grading and habitat restoration activities that would accompany the implementation of CM1, CM2 and CM4 under Alternative 4 would permanently eliminate an estimated ~~72~~ 74 acres ~~and temporarily remove an estimated 2 acres~~ of alkali seasonal wetland complex natural community in the study area. There would be no temporary impacts to alkali seasonal wetlands. These modifications represent approximately 2% of the 3,723 acres of the community that is mapped in the study area. Most of the losses (60 acres or 83%) would happen during the ~~first 10 years~~near-term of Alternative 4 implementation, as the water conveyance facility is constructed, the Yolo Bypass improvements are initiated, and habitat restoration is initiated. Alkali seasonal wetland complex protection (120 acres) and restoration (an estimated 58 acres, but determined by actual level of effect) would be initiated during the same period; when combined, these actions would offset the losses. By the end of the Plan period, 150 acres of this natural community would be protected and up to ~~72~~ 74 acres would be restored. The ~~BDCP beneficial effects~~ analysis for this community ~~(BDCP~~in Chapter 5, Section 5.4.7.2, *Beneficial Effects*, of the Draft BDCP~~)~~ states that Alternative 4 would protect 150 acres of alkali seasonal wetland in Conservation Zones 1, 8, or 11, in a mosaic of protected grasslands and vernal pool complex. This would protect currently unprotected high-value alkali seasonal wetland complex in the Plan Area.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of the Alternative 4 ~~temporary~~ transmission lines immediately west of Clifton Court Forebay would ~~temporarily~~ permanently affect 2 acres of alkali seasonal wetland complex natural community. The alkali seasonal wetland complex at this location is scattered and significantly degraded by past agricultural and water development-related activities. It is surrounded by or adjacent to vernal pool complex natural community.

  The construction activity associated with CM1 also has the potential to lead to increased nitrogen deposition in alkali seasonal wetland habitats in the vicinity of Clifton Court Forebay. A significant number of cars, trucks, and land grading equipment involved in construction would emit small amounts of atmospheric nitrogen from fuel combustion; this material could be deposited in sensitive alkali seasonal wetland areas that are located west of the major construction areas at Clifton Court Forebay. Nitrogen deposition can pose a risk of adding a fertilizer to nitrogen-limited soils and their associated plants. Nonnative invasive species can be encouraged by the added nitrogen available. ~~BDCP~~ Appendix 5.J, Attachment 5J.A, *Construction-Related Nitrogen Deposition on BDCP Natural Communities*, , of the Draft BDCP addresses this issue in detail. It has been concluded that this potential deposition would pose a low risk of changing the alkali seasonal wetland complex in the construction area because the construction would occur primarily downwind of the natural community and the construction would contribute a negligible amount of nitrogen to regional projected emissions. No adverse effect is expected.

- *CM2 Yolo Bypass Fisheries Enhancement:* Implementation of CM2 involves a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. Realignment of Putah Creek could involve excavation and grading in alkali seasonal wetland complex as a new channel is constructed. Based on hypothetical construction footprints, a total of 45 acres could be permanently lost. This complex is located immediately south of the existing Putah Creek channel within the bypass, and is a relatively large, moderate to high value, contiguous expanse of this community. This loss would occur in the near-term timeframe.

- *CM3 Natural Communities Protection and Restoration:* CM3 proposes to protect at least 150 acres of alkali seasonal wetland complex in CZ 1, CZ 8, and CZ 11 (Objective ASWNC1.1). The protection would occur in areas containing a mosaic of grassland and vernal pool complex in unfragmented natural landscapes supporting a diversity of native plant and wildlife species. These areas would be both protected and enhanced to increase the cover of alkali seasonal wetland plants relative to nonnative species.

- *CM4 Tidal Natural Communities Restoration:* Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently inundate or remove 13 acres of alkali seasonal wetland complex in the near-term and inundate or remove 27 acres by the end of the Plan timeframe. The losses would be expected to occur in the Cache Slough and Suisun Marsh ROAs established for tidal restoration (see Figure 12-1). The largest losses would likely occur in the Lindsay Slough area and on the northern fringes of Suisun Marsh, north of the Potrero Hills. These losses would not fragment the alkali seasonal wetland communities adjacent to these sloughs because the losses would occur on the edges of the existing habitat.

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration:* CM9 includes both vernal pool complex and alkali seasonal wetland complex restoration goals. The intent of the conservation measure is to match the acreage of restoration with the actual acreage lost to other conservation measures (primarily CM2 and CM4). The current estimate for alkali seasonal wetland complex restoration is 58 acres in the near-term and a total of 72 acres by the end of the BDCP restoration period. The goal is for no net loss of this natural community, consistent with BDCP Objective ASWNC1.2. Restoration in the Lindsay Slough area of the Cache Slough ROA and the northern region of the Suisun Marsh ROA would be consistent with essential habitat connectivity goals mapped in Figure 12-2 and described in Table 3.2-2 of ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would affect the alkali seasonal wetland complex natural community through CM1 and CM2 construction losses (~~45~~ 47acres permanent ~~and 2 acres temporary~~). These losses would occur in the Yolo Bypass south of Putah Creek and on land immediately west of Clifton Court Forebay. Approximately 13 acres of the inundation and construction-related losses in habitat from CM4 would occur in the near-term. These losses would occur primarily in the Cache Slough and Suisun Marsh ROAs mapped in Figure 12-1.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of alkali seasonal wetland complex natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. However, the protection of 120 acres of alkali seasonal wetland complex as part of CM3, the restoration of 58 acres of this community as part of CM9, and the implementation of *AMM30 Transmission Line Design and Alignment Guidelines* during the first 10 years of Alternative 4 implementation would offset this near-term loss, avoiding any adverse effect. AMM30 would require that transmission line construction avoid any losses of alkali seasonal wetland complex natural community (see ~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP ~~a,~~ for a full description of AMM30). Typical project-level mitigation ratios (2:1 for protection and 1:1 for restoration) would indicate 120 acres of protection and 60 acres of restoration would be needed to offset (i.e., mitigate) the 60 acres of loss.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities.* All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in relatively minor (2%) losses of alkali seasonal wetland natural community in the study area. These losses (74 acres) would be largely associated with construction of Yolo Bypass fish improvements (CM2) and inundation during tidal marsh restoration (CM4). Inundation losses would occur during the course of BDCP restoration activities, primarily in the Cache Slough and Suisun Marsh ROAs.

***NEPA Effects*:** In the first 10 years of implementing Alternative 4 conservation measures, 120 acres of alkali seasonal wetland complex would be protected as part of CM3 and 58 acres of this community would be restored as part of CM9. These conservation actions would offset the near-term loss of this community associated with CM1, CM2 and CM4, avoiding any adverse effect. By the end of the Plan timeframe, Alternative 4 would protect a total of 150 acres of alkali seasonal wetland natural community (CM3) and would restore up to 72 acres (CM9). The protection and restoration would occur primarily in CZ 1, CZ 8 and/or CZ 11, in the Cache Slough, Suisun Marsh and Clifton Court Forebay areas. Therefore, Alternative 4 would not have an adverse effect on the alkali seasonal wetland complex natural community.

***CEQA Conclusion*:**

Near-Term Timeframe

Alternative 4 would result in the permanent loss of approximately ~~58~~ 60 acres of alkali seasonal wetland complex natural community due to water conveyance facility construction (CM1), ~~to~~ construction of fish passage improvements (CM2), and inundation during tidal marsh restoration (CM4). ~~Two acres would be lost temporarily to water conveyance facility construction (CM1)~~. The construction losses would occur primarily in the area just south of Putah Creek in the Yolo Bypass and adjacent to Clifton Court Forebay, while inundation losses would occur in the Cache Slough and Suisun Marsh ROAs. The losses would be spread across ~~a 10-year~~the near-term timeframe.

The construction losses of this special-status natural community would represent an adverse effect if they were not offset by avoidance and minimization measures and other actions associated with BDCP conservation components. Loss of alkali seasonal wetland complex natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. However, the protection of 120 acres of alkali seasonal wetland complex as part of CM3, the restoration of 58 acres of this community as part of CM9, and the implementation of *AMM30 Transmission Line Design and Alignment Guidelines* during the first 10 years of Alternative 4 implementation would offset this near-term loss, avoiding any significant impact. Typical project-level mitigation ratios (2:1 for protection and 1:1 for restoration) would indicate 120 acres of protection and 60 acres or restoration would be needed to offset (i.e., mitigate) the 60 acres of loss. AMM1, AMM2, AMM3, AMM4, and AMM10 would also be implemented to minimize impacts. Because of the offsetting protection and restoration activities and AMMs, impacts would be less than significant.

Late Long-Term Timeframe

At the end of the Plan period, ~~72~~ 74 acres of alkali seasonal wetland complex natural community would be permanently removed by conservation actions, 150 acres would be protected and up to ~~72~~ 74 acres would be restored. The restoration acres actually developed would depend on the number of acres affected during Alternative 4 implementation. There would be no net permanent reduction in the acreage of this natural community within the study area. Therefore, Alternative 4 would have a less-than-significant impact on the alkali seasonal wetland complex natural community.

Impact BIO-19: Increased Frequency, Magnitude and Duration of Periodic Inundation of Alkali Seasonal Wetland Complex Natural Community

CM2 Yolo Bypass Fisheries Enhancement would modify the inundation regime of the Yolo Bypass, a man-made waterway. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of alkali seasonal wetland complex natural community at scattered locations in the central and southern sections of the bypass.

Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency and duration of inundation on an estimated 264–744 acres of alkali seasonal wetland complex natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 264-acre increase in inundation would be associated with a notch flow of 1,000 cubic feet per second (cfs), and the 744-acre increase would result from a notch flow of 4,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. The alkali seasonal wetland complex natural community occurs primarily in the central and southern reaches of the bypass, south of Putah Creek. The stands in this location are relatively large, with moderate to high value for associated plant and wildlife species. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May).

***NEPA Effects*:** The modification of periodic inundation events in the Yolo Bypass associated with Alternative 4 would not adversely affect alkali seasonal wetland complex habitats, as they have persisted under similar high flows and extended inundation periods. There is the potential for some change in plant species composition as a result of longer inundation periods, but the natural community would persist.

***CEQA Conclusion*:** An estimated 264–744 acres of alkali seasonal wetland complex natural community in the Yolo Bypass would be subjected to more frequent inundation as a result of implementing CM2 under Alternative 4. This natural community is conditioned to periodic inundation; the slight increase in periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area, although some change in plant species composition could occur. Increasing periodic inundation of alkali seasonal wetland complex natural community in the Yolo Bypass would have a less-than-significant impact on this natural community. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.

Impact BIO-20: Modification of Alkali Seasonal Wetland Complex Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 were constructed and the stream flow regime associated with changed water management was in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect alkali seasonal wetland complex natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, reduced diversions from south Delta channels, and recreation in and adjacent to Plan reserves. These actions are associated with CM1 and CM11 (see Impact BIO-19 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not affect alkali seasonal wetland natural community. This natural community does not exist within or adjacent to the active Sacramento River system channels and Delta waterways that would be affected by modified flow levels.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in or adjacent to alkali seasonal wetland complex habitats. This activity could lead to increased soil erosion and runoff entering these habitats. These activities would be subject to normal erosion and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within alkali seasonal wetland complex habitats would require use of sediment barriers, soil stabilization and revegetation of disturbed surfaces as required by *AMM10 Restoration of Temporarily Affected Natural Communities*. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to alkali seasonal wetland complex natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to alkali seasonal wetland complex areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments~~ are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in terrestrial environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the alkali seasonal wetland complex natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

- *Recreation.* The BDCP would allow for certain types of recreation in and adjacent to alkali seasonal wetland natural community in the reserve system. The activities could include wildlife and plant viewing and hiking. *CM11 Natural Communities Enhancement and Management* ~~(BDCP Chapter 3, Section 3.4.11)~~ describes this program and identifies applicable restrictions on recreation that might adversely affect alkali seasonal wetland habitat (see Chapter 3, Section 3.4.11 of the Draft BDCP and Appendix D, Section D.3.2.5 of this RDEIR/SDEIS). BDCP also includes an avoidance and minimization measure (AMM37) that further dictates limits on recreation activities that might affect this natural community. Most recreation would be docent-led wildlife and botanical tours, using existing trails and roads in the vicinity of the reserves. No new trails would be constructed.

The various operations and maintenance activities described above could alter acreage of alkali seasonal wetland complex natural community in the study area. Activities could introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be offset by protection and restoration activities planned as part of *CM3 Natural Communities Protection and Restoration* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, or minimized by implementation of AMM2, AMM4, AMM5, AMM10 and AMM37. The management actions associated with control of invasive plant species would also result in a long-term benefit to the species associated with alkali seasonal wetland complex habitats by eliminating competitive, invasive species of plants.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be no adverse effect on the alkali seasonal wetland complex natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of alkali seasonal wetland complex natural community in the study area, and could create temporary increases sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, AMM5, AMM10 and AMM37 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including reduced competition from invasive, nonnative plants in these habitats. Long-term restoration activities associated with *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would ensure that the acreage of this natural community would not decrease in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be a less-than-significant impact on the alkali seasonal wetland complex natural community.

Vernal Pool Complex

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the vernal pool complex natural community. Initial development and construction of CM1 and CM4 would result in permanent removal of 216 acres of this community (see Table 12-4-8). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the vernal pool complex natural community.

- Protect 600 acres of existing vernal pool complex in Conservation Zones 1, 8, and 11, primarily in core vernal pool recovery areas (Objective VPNC1.1, associated with CM3).
- Restore vernal pool complex in Conservation Zones 1, 8, and/or 11 to achieve no net loss of vernal pool acreage (up to 67 acres of vernal pool complex restoration, assuming that all anticipated impacts [10 wetted acres] occur and that the restored vernal pool complex has 15% density of vernal pools) (Objective VPNC1.2, associated with CM3 and CM9).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3 *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of vernal pool complex natural community for terrestrial species. As explained below, with the protection, restoration and enhancement of the amounts of habitat listed in the BDCP objectives, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-8. Changes in Vernal Pool Complex Natural Community Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~15~~28	~~15~~28	~~16~~3	~~16~~3	0	0
CM2	0	0	0	0	0–4	0
CM4	201	372	0	0	0	0
CM5	0	0	0	0	0	0
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~216~~229**	**~~387~~400**	**~~16~~3**	**~~16~~3**	**0–4**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-21: Changes in Vernal Pool Complex Natural Community as a Result of Implementing BDCP Conservation Measures

Construction, land grading and habitat restoration activities that would accompany the implementation of CM1 and CM4 could permanently eliminate an estimated ~~387~~ 400 acres and temporarily remove ~~16~~ 3 acres of vernal pool complex natural community in the study area. These acreages are based on the proposed location of the CM1 construction footprint and a theoretical footprint for CM4 tidal marsh restoration activities. The loss of this combined 403 acres would represent approximately 3% of the 12,133 acres of the community that is mapped in the study area. An estimated 232 acres of the loss could occur during ~~the first 10 years~~the near-term of Alternative 4 implementation, as the water conveyance facility is constructed and tidal marsh restoration is initiated. Vernal pool complex protection (400 acres) and restoration (an estimated 40 acres, with actual restoration based on level of effect) would be initiated during the first 10 years of Alternative 4 implementation to counteract the loss of habitat. By the end of the Plan period, 600 acres of this natural community would be protected and up to 67 acres would be restored. Because of the high sensitivity of this natural community and its shrinking presence in the Plan Area, avoidance and minimization measures have been built into the BDCP to eliminate the majority of this potential loss. The ~~BDCP beneficial effect~~ analysis ~~(BDCP~~in Chapter 5, Section 5.4.8.2, *Beneficial Effects*, of the Draft BDCP~~)~~ indicates that implementation of Alternative 4 would protect at least 600 acres of vernal pool complex in Conservation Zones 1, 8, and 11 and additional vernal pool complex would be restored to achieve no net loss of this community.

The individual effects of the relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation:* Construction of the Alternative 4 water conveyance facilities would directly affect 31 acres of vernal pool complex natural community, including ~~15~~ 28 acres permanently affected and ~~16~~ 3 acres temporarily affected. The permanent loss would occur along the southern edge of Clifton Court Forebay, where the forebay would be expanded to provide greater storage capacity and from the construction of permanent transmission lines. The temporary losses would occur ~~occur along transmission lines that would be constructed immediately west of~~in a temporary work area immediately adjacent to Clifton Court Forebay (see Figure 12-1 and the Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS).

  Because of the close proximity of construction activity to adjacent vernal pool complex~~, both~~ near Clifton Court Forebay ~~and Stone Lakes National Wildlife Refuge~~, there is also the potential for indirect loss or damage to vernal pools from changes in pool hydrology or deposition of construction-related sediment. These potential indirect effects are discussed in detail in the vernal pool crustaceans impact analysis later in this chapter.

  The construction activity associated with CM1 also has the potential to lead to increased nitrogen deposition in vernal pool complex habitats in the vicinity of Clifton Court Forebay and Stone Lakes National Wildlife Refuge. A significant number of cars, trucks, and land grading equipment involved in construction would emit small amounts of atmospheric nitrogen from fuel combustion; this material could be deposited in sensitive vernal pool areas that are located west of the major construction areas at Clifton Court Forebay and east of the construction areas adjacent to Stone Lakes NWR. Nitrogen deposition can pose a risk of adding a fertilizer to nitrogen-limited soils and their associated plants. Nonnative invasive species can be encouraged by the added nitrogen available. ~~BDCP~~ Appendix 5.J, Attachment 5J.A, *Construction-Related Nitrogen Deposition on BDCP Natural Communities*, of the Draft BDCP addresses this issue in detail. It has been concluded that this potential deposition would pose a low risk of changing the vernal pool complex in the construction areas because the construction would contribute a negligible amount of nitrogen to regional projected emissions. Also, the construction at Clifton Court Forebay would occur primarily downwind of the natural community. At Stone Lakes National Wildlife Refuge, the USFWS refuge management undertakes active invasive species control, including use of grazing. No adverse effect is expected.

- *CM3 Natural Communities Protection and Restoration:* CM3 proposes to protect at least 600 acres of vernal pool complex in CZ 1, CZ 8, and CZ 11 (BDCP Objective VPNC1.1). The protection would occur in areas containing a mosaic of grassland and vernal pool complex in unfragmented natural landscapes supporting a diversity of native plant and wildlife species. These areas would be both protected and enhanced to increase the cover of vernal pool complex plants relative to nonnative species.

- *CM4 Tidal Natural Communities Restoration:* Based on the use of hypothetical restoration footprints, implementation of CM4 tidal marsh restoration in CZs 1 and 11 (Cache Slough and Suisun Marsh ROAs; see Figure 12-1) could permanently inundate or remove 201 acres of vernal pool complex in the near-term timeframe. By the end of the Plan period, a total of 372 acres could be affected. The principal areas likely to be affected include the Cache Slough drainage just west of the Yolo Bypass and the Nurse Slough drainage just east of the Potrero Hills.

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration:* CM9 includes both vernal pool complex and alkali seasonal wetland complex restoration goals. The current estimate for vernal pool complex restoration is 40 acres in the near-term and a total of 67 acres by the end of the BDCP restoration period. This restoration conservation measure includes a "no net loss" policy normally applied to this natural community (BDCP Objective VPNC1.2).

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe~~ (the first 10 years of BDCP implementation)~~, Alternative 4 could directly affect 232 acres of vernal pool complex natural community through inundation or construction-related losses in habitat from CM1 and CM4 activities. This loss would likely occur in the Cache Slough or Suisun Marsh ROAs mapped in Figure 12-1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, and in the vicinity of Clifton Court Forebay (see the Terrestrial Biology Mapbook in Appendix A).

The construction or inundation loss of this special-status natural community would represent an adverse effect if it were not offset by avoidance and minimization measures and restoration actions associated with BDCP conservation components. Loss of vernal pool complex natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. The protection of 400 acres of vernal pool complex as part of CM3 and the restoration of up to 40 acres of this community (including a commitment to have restoration keep pace with losses; ~~BDCP~~ Chapter 3, Section 3.4.9, *Conservation Measure 9*, in the Draft BDCP~~4.27~~) as part of CM9 during the first 10 years of Alternative 4 implementation would partially offset this near-term loss. The Plan focuses this protection in the core vernal pool areas identified in the USFWS vernal pool recovery plan (U.S. Fish and Wildlife Service 2005). The core areas exist in CZ 1, CZ 8 and CZ 11 (see Figure 12-1). Typical project-level mitigation ratios (2:1 for protection and 1:1 for restoration) would indicate 464 acres of protection and 232 acres of restoration would be needed to offset (i.e., mitigate) the 232 acres of loss. Without additional avoidance and minimization measures to reduce the potential effect, the proposed protection and restoration would not meet the typical mitigation for vernal pool complex losses.

To avoid this adverse effect, the BDCP includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM12 Vernal Pool Crustaceans,* and *AMM30 Transmission Line Design and Alignment Guidelines.* All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas. AMM12 limits the direct removal of vernal pool crustacean habitat to no more than 10 wetted acres and the indirect effect to no more than 20 wetted acres through the life of the Plan. This is equivalent to approximately 67 acres of direct loss and 134 acres of indirect loss of vernal pool complex natural community. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~. With these AMMs in place, Alternative 4 would not adversely affect vernal pool complex natural community in the near-term.

Late Long-Term Timeframe

The late long-term effect on vernal pool complex natural community would be ~~387~~ 400 acres of permanent and ~~16~~ 3 acres of temporary loss. These losses would be associated with the construction of CM1 facilities in the vicinity of Clifton Court Forebay and the ongoing restoration of tidal wetland in the Cache Slough and Suisun Marsh ROAs. However, 600 acres would be protected (CM3) and up to 67 acres would be restored (CM9) through the course of Alternative 4 implementation. In addition, the avoidance and minimization measures listed above would reduce the actual loss of this community to no more than 10 wetted acres of vernal pool crustacean habitat from direct activities and 20 acres of habitat from indirect effects.

NEPA Effects: The conservation measures associated with Alternative 4 include protection of 400 acres (CM3) and restoration of an estimated 40 acres (CM9) of vernal pool complex in the near-term time frame. The Plan focuses the protection in the core vernal pool areas identified in the USFWS vernal pool recovery plan (U.S. Fish and Wildlife Service 2005). The core areas exist in CZ 1, CZ 8 and CZ 11 (see Figure 12-1). In addition, Alternative 4 includes AMM12, which limits the removal of vernal pool crustacean habitat to no more than 10 wetted acres and the indirect effect to no more than 20 wetted acres through the life of the Plan. With this and other AMMs in place, the Alternative 4 not adversely affect vernal pool complex natural community in the near-term. With these conservation measures and AMMs in effect through the entire Plan period, Alternative 4 would not have an adverse effect on the vernal pool complex natural community in the long term.

CEQA Conclusion:

Near-Term Timeframe

During the 10-year near-term time frame, Alternative 4 could result in the direct loss of approximately 232 acres of vernal pool complex natural community due to inundation during tidal marsh restoration (CM4) and construction of the water conveyance facility (CM1). The losses would likely occur in the Cache Slough or Suisun Marsh ROAs, and immediately adjacent to Clifton Court Forebay.

The construction- and inundation-related loss of this special-status natural community would represent a significant impact if it were not offset by avoidance and minimization measures and other actions associated with BDCP conservation components. Loss of vernal pool complex natural community would be considered both a loss in acreage of a sensitive natural community and a loss of wetland as defined by Section 404 of the CWA. The protection of 400 acres of vernal pool complex as part of CM3 and the restoration of an estimated 40 acres of this community (including a commitment to have restoration keep pace with losses; ~~BDCP~~ Chapter 3, Section 3.4.9, *Conservation Measure 9*, in the Draft BDCP~~4.27~~) as part of CM9 during the first 10 years of Alternative 4 implementation would partially offset this near-term loss. Typical project-level mitigation ratios (2:1 for protection and 1:1 for restoration) would indicate 464 acres of protection and 232 acres of restoration would be needed to offset (i.e., mitigate) the 232 acres of loss. Without additional avoidance and minimization measures to reduce the potential impact, the proposed protection and restoration would not meet the typical mitigation for vernal pool complex losses. However, Alternative 4 also includes AMM1, AMM2, AMM3, AMM4, AMM10, AMM12 and AMM30 to minimize impacts. AMM12 places a strict limit on the acres of wetted vernal pool crustacean habitat that can be lost to conservation actions (10 acres of direct and 20 acres of indirect loss). Because of the offsetting protection and restoration activities and implementation of AMMs, impacts would be less than significant.

Late Long-Term Timeframe

At the end of the Plan period, ~~387~~ 400 acres of vernal pool complex natural community could be permanently removed and ~~16~~ 3 acres could be temporarily removed. Through CMs 3 and 9, 600 acres of vernal pool complex natural community would be protected and up to 67 acres would be restored. In addition, AMM12 would limit the acres of wetted vernal pool crustacean habitat loss to 10 acres from direct actions and 20 acres from indirect actions. This is equivalent to the direct loss of 67 acres and the indirect loss of 134 acres of vernal pool complex natural community. There would be no net permanent reduction in the acreage of this natural community within the study area. Alternative 4 would have a less-than-significant impact on this natural community.

Impact BIO-22: Increased Frequency, Magnitude and Duration of Periodic Inundation of Vernal Pool Complex Natural Community

CM2 Yolo Bypass Fisheries Enhancement would modify the inundation/flooding regime of the Yolo Bypass, a man-made waterway. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, could increase periodic inundation of a small acreage of vernal pool complex natural community in the southern section of the bypass, south of Putah Creek.

Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation on an estimated 0–4 acres of vernal pool complex natural community. The methods used to estimate this inundation acreage are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 4-acre increase in inundation would only occur at the highest modeled flow regime, 8,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years.

The vernal pool complex natural community that would likely be affected occurs in the southern reaches of the bypass, south of Putah Creek. There are several relatively large, contiguous areas of vernal pools on the western edge of the bypass in this area. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May).

NEPA Effects: The modification of periodic inundation events in the Yolo Bypass associated with Alternative 4 water operations would not adversely affect vernal pool complex habitats, as they have persisted under similar high flows and extended inundation periods. There is the potential, however, for some change in plant species composition as a result of longer inundation periods.

CEQA Conclusion: An estimated 0–4 acres of vernal pool complex natural community in the Yolo Bypass would be subjected to more frequent inundation as a result of implementing CM2 under Alternative 4. This natural community is conditioned to periodic inundation; the slight increase in periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area, although some change in plant species composition could occur. Increasing periodic inundation of vernal pool complex natural community in the Yolo Bypass would have a less-than-significant impact on the community.

Impact BIO-23: Modification of Vernal Pool Complex Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect vernal pool complex natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, reduced diversions from south Delta channels, and recreation activities in Plan preserves. These actions are associated with CM1 and CM11(see Impact BIO-22 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not affect vernal pool complex natural community. This natural community does not exist within or adjacent to the major Sacramento River system and Delta waterways.
- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work adjacent to vernal pool complex habitats. This activity could lead to increased soil erosion and runoff entering these habitats. These activities would be subject to normal erosion and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to vernal pool complex habitats would require use of sediment barriers, soil stabilization and revegetation of disturbed surfaces as part of *AMM10 Restoration of Temporarily Affected Natural Communities*. Proper implementation of these measures would avoid permanent adverse effects on this community.
- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to vernal pool complex natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to vernal pool complex areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in

terrestrial or aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the vernal pool complex natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.
- *Recreation.* The BDCP would allow for certain types of recreation in and adjacent to vernal pool complexes in the reserve system. The activities could include wildlife and plant viewing and hiking. *CM11 Natural Communities Enhancement and Management* ~~(BDCP Chapter 3, Section 3.4.11)~~ describes this program and identifies applicable restrictions on recreation that might adversely affect vernal pool habitat (see Chapter 3, Section 3.4.11 of the Draft BDCP and Appendix D, Section D.3.2.5 of this RDEIR/SDEIS). BDCP also includes an avoidance and minimization measure (AMM37) that further dictates limits on recreation activities that might affect vernal pools. Recreational trails would be limited to existing trails and roads. New trail construction would be prohibited within the vernal pool complex reserves. It is expected that most activities would be docent-led tours of reserves, minimizing adverse effects.

The various operations and maintenance activities described above could alter acreage of vernal pool complex natural community in the study area. Activities could introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, or minimized by implementation of AMM2, AMM4, AMM5, AMM10, AMM12, AMM37 and AMM30. The management actions associated with control of invasive plant species would also result in a long-term benefit to the species associated with vernal pool complex habitats by eliminating competitive, invasive species of plants.

***NEPA Effects*:** Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in the vernal pool complex natural community within the study area. Therefore, there would be no adverse effect on this natural community.

***CEQA Conclusion*:** The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of vernal pool complex natural community in the study area, and could create temporary increases in sedimentation or damage from recreational activity. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, AMM5, AMM10, AMM12, AMM37 and AMM30 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including reduced competition from invasive, nonnative plants in these habitats. Long-term restoration activities associated with *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would ensure that the acreage of this natural community would not decrease in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be a less-than-significant impact on the vernal pool complex natural community.

Managed Wetland

The conservation components of Alternative 4 would reduce the acreage of managed wetland currently found in the study area. Initial development and construction of CM1, CM2, CM4, and CM6 would result in both permanent and temporary removal of this community (see Table 12-4-9). Full implementation of Alternative 4 would also include the following conservation action over the term of the BDCP to benefit the managed wetland natural community.

- Protect and enhance 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Create 320 acres of managed wetlands consisting of greater sandhill crane roosting habitat in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in Conservation Zones 3, 4, 5, or 6, with consideration of sea level rise and local seasonal flood events (Objective GSHC1.3, associated with CM10).
- Create two wetland complexes within the Stone Lakes NWR refuge boundary. Each complex will consist of at least three wetlands totaling 90 acres of greater sandhill crane roosting habitat. One of the wetland complexes may be replaced by 180 acres of cultivated lands that are flooded following harvest for crane roosting and foraging habitat (Objective GSHC1.4, associated with CM10).

In addition to this conservation action, creation of similar habitat values by restoring tidal brackish emergent wetland and tidal freshwater emergent wetland as part of CM4 would further offset the losses of managed wetland. The net effect would be a substantial decrease in the amount of managed wetland, but an increase in similar habitat value for special-status and common species as the managed wetland is converted to tidal marsh. Impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes. Refer to Impacts BIO-178 through BIO-183 in the *Shorebirds and Waterfowl* discussion at the end of this section (Section 12.3.3.9) for further consideration of the effects of removing managed wetland natural community.

Table 12-4-9. Changes in Managed Wetland Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	~~7~~22	~~7~~22	~~28~~29	~~28~~29	0	0
CM2	24	24	44	44	931–2,612	0
CM4	5,718	13,746	0	0	0	0
CM5	0	0	0	0	0	6
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**~~5,749~~5,764**	**~~13,777~~13,792**	**~~72~~73**	**~~72~~73**	**931–2,612**	**6**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-24: Changes in Managed Wetland Natural Community as a Result of Implementing BDCP Conservation Measures

Construction, land grading and habitat restoration activities that would accompany the implementation of CM1, CM2, CM4, and CM6 would permanently eliminate an estimated ~~13,777~~13,792 acres of managed wetland in the study area. This modification represents approximately 19% of the 70,798 acres of managed wetland that is mapped in the study area. This loss would occur over the course of BDCP restoration activity, as construction and tidal marsh restoration proceed. Managed wetland protection (8,100 acres) and restoration (500 acres) would take place over the same period, but would not replace the acreage lost. The ~~BDCP beneficial effects~~ analysis ~~for Alternative 4 (BDCP~~in Chapter 5, Section 5.4.9.2, *Beneficial Effects*, of the Draft BDCP~~)~~ states that at least 8,100 acres of managed wetlands would be protected, of which at least 1,500 acres would be located within the Grizzly Island marsh complex, consistent with the U.S. Fish and Wildlife Service salt marsh harvest mouse recovery plan. Although the primary purpose of the 1,500 acres of protection is to protect and enhance habitat for the salt marsh harvest mouse, it is also expected to benefit the managed wetland natural community and the diversity of species that use it, including migratory waterfowl and the western pond turtle.

The individual effects of the relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of the Alternative 4 water conveyance facilities would permanently remove ~~7~~ 22 acres and temporarily remove ~~28~~ 29 acres of managed wetland community. The permanent ~~and temporary~~ losses would occur near the northeast corner of Clifton Court Forebay for the construction of a permanent shaft location and a permanent access road on Bouldin Island. Temporary impacts would occur in association with ~~a~~ temporary work areas for a concrete batch plant on Mandeville Island ~~primarily on the northeastern end of Mandeville Island~~and ~~i~~ the reusable tunnel material~~tunnel much~~ conveyor facility near Clifton Court Forebay~~, adjacent to the San Joaquin River. A permanent access road and tunnel shaft at that site would create the permanent impact~~ (see Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). ~~A large temporary loss would also occur at this site, from a shaft work area.~~ Smaller losses would occur from construction of the ~~permanent and~~ temporary transmission lines that parallel the tunnel alignment northwest of the intermediate forebay~~, at the Mokelumne River adjacent to Dead Horse Island,~~ and across the length of Mandeville Island. These losses would take place during the near-term construction period.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 involves a number of construction activities that could permanently or temporarily remove managed wetland, including west side channels modifications, Putah Creek realignment activities, Lisbon Weir modification and Sacramento Weir improvements. All of these activities could involve excavation and grading in managed wetland areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 24 acres could be permanently removed and 44 acres could be temporarily removed. This activity would occur primarily in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration*: Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently inundate or remove 13,746 acres of managed wetland community. These losses would be expected to occur primarily in the Suisun Marsh ROA, but could also occur in the Cache Slough and West Delta ROAs (see Figure 12-1). These acres of managed wetland would be converted to natural wetland, including large acreages of tidal brackish emergent wetland and tidal freshwater emergent wetland. These natural wetlands provide comparable or improved habitat for the special-status species that occupy managed wetland. The newly created tidal marsh would not create a barrier or result in fragmentation of managed wetland, as most species are capable of utilizing both communities. An estimated 500 acres of managed wetland would be restored and 8,100 acres would be enhanced and protected through *CM3 Natural Communities Protection and Restoration*, as established by BDCP Objective MWNC1.1 All of the restoration and 4,800 acres of the protection would happen during the first 10 years of Alternative 4 implementation, which would coincide with the timeframe of water conveyance facilities construction and early implementation of CM4. The remaining restoration would be spread over the following 30 years. Managed wetland restoration is expected to include at least 320 acres in CZ 3, CZ 4, CZ 5, and CZ 6 (Figure 12-1) to benefit sandhill crane, as stated in BDCP Objective GSHC1.3. The enhancement and protection would be focused in Suisun Marsh, but could also occur in CZs with existing managed wetland (CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, and CZ 7).

- *CM6 Channel Margin Enhancement*: Channel margin habitat enhancement could result in filling of small amounts of managed wetland habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur on the edges of tidal perennial aquatic habitat, including levees and channel banks.

Managed wetland adjacent to these tidal areas could be affected. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would permanently remove ~~5,749~~5,764 acres and temporarily remove ~~72~~ 73 acres of managed wetland through inundation or construction-related losses in habitat from CM1, CM2, and CM4 activities. ~~Seven~~ Twenty-two acres of the permanent loss and ~~28~~ 29 acres of the temporary loss would be associated with construction of the water conveyance facilities (CM1). These near-term losses would occur in various locations, but the majority would occur in Suisun Marsh and the lower Yolo Bypass as tidal marsh is restored.

The construction or inundation loss of this special-status natural community would represent an adverse effect if it were not offset by other conservation actions. Loss of managed wetland natural community would be considered both a loss in acreage of a sensitive natural community and potentially a loss of wetland as defined by Section 404 of the CWA. Many managed wetland areas are interspersed with small natural wetlands that would be regulated under Section 404. The restoration of 500 acres (CM10) and protection and enhancement of 4,800 acres (CM3) of managed wetland during the first 10 years of Alternative 4 implementation would fully offset the losses associated with CM1, but would only partially offset the total near-term loss. Typical project-level mitigation ratios (1:1 for protection) would indicate ~~7~~ 22 acres of protection would be needed to offset the ~~7~~ 22 acres of loss associated with CM1; a total of ~~5,821~~5,837 acres of protection would be needed to offset (i.e., mitigate) the ~~5,821~~5,837 acres of permanent and temporary loss from all near-term actions. The combined protection and restoration proposed for managed wetland in the near-term would fall ~~521~~ 537 acres short of full replacement. However, the CM4 marsh restoration activities that would be creating this loss would be simultaneously creating 2,000 acres of tidal brackish emergent wetland and 8,850 acres of tidal freshwater emergent wetland in place of the managed wetland in the near-term. This acreage would significantly exceed the number of acres of managed wetland lost. Mitigation measures would also be undertaken to reduce the effects of managed wetland loss on waterfowl in Suisun Marsh (Mitigation Measure BIO-179a) and the Yolo/Delta basins (Mitigation Measure 179b) if the protection and enhancement actions of CM3 and CM10 were not sufficient to replace the value of managed wetlands for waterfowl in these basins. Refer to the *General Terrestrial Biology Effects* discussion later in this section.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

In spite of the managed wetland protection, restoration and avoidance measures contained in Alternative 4, there would be a net reduction in the acreage of this special-status natural community in the near-term. This would be an adverse effect when judged by the significance criteria listed earlier in this chapter. However, the conversion of these managed habitats to natural tidal wetland types that support similar ecological functions (2,000 acres of tidal brackish emergent wetland and 8,850 acres of tidal freshwater emergent wetland) would offset this adverse effect. Also, there are other conservation actions contained in the BDCP (CM3 and CM11) that would improve management and enhance existing habitat values, further offsetting the effects of managed wetland loss on covered and noncovered special-status terrestrial species and on common species that rely on this natural community for some life phase. As a result, there would be no adverse effect.

Late Long-Term Timeframe

At the end of the Plan period, ~~13,777~~13,792 acres of managed wetland natural community would be permanently removed by conservation actions, 8,100 acres would be protected and 500 acres would be restored. There would be a net permanent reduction in the acreage of this special-status natural community within the study area. Simultaneously, there would be the creation of 6,000 acres of tidal brackish emergent wetland and 24,000 acres of tidal freshwater emergent wetland in place of this managed wetland.

NEPA Effects: Alternative 4 would result in a loss ~~13,777~~13,792 acres of managed wetland within the study area; however, it would also protect and enhance 8,100 acres and restore 500 acres of this habitat. In addition, Alternative 4 would restore 6,000 acres of tidal brackish emergent wetland and 24,000 acres of tidal freshwater emergent wetland that support similar ecological functions to those of managed wetland. Therefore, there would be no adverse effect on managed wetland natural community.

CEQA Conclusion:

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would permanently remove ~~5,749~~5,764 acres and temporarily remove ~~72~~ 73 acres of managed wetland through inundation or construction-related losses in habitat from CM1, CM2, and CM4 activities. Seven acres of permanent loss and ~~28~~ 29 acres of temporary loss would be associated with construction of the water conveyance facilities (CM1) in various locations. The majority of the near-term loss would be in Suisun Marsh and the lower Yolo Bypass as tidal marsh is restored.

The construction or inundation loss of this special-status natural community would represent a significant impact if it were not offset by other conservation actions. Loss of managed wetland natural community would be considered both a loss in acreage of a sensitive natural community and potentially a loss of wetland as defined by Section 404 of the CWA. The restoration of 500 acres and protection and enhancement of 4,800 acres of managed wetland as part of CM3 and CM10 during the first 10 years of Alternative 4 implementation would fully offset the losses associated with CM1, but would only partially offset the total near-term loss. Typical project-level mitigation ratios (1:1 for protection) would indicate ~~7~~ 22 acres of protection would be needed to offset the ~~7~~ 22 acres of loss associated with CM1; a total of ~~5,821~~5,837 acres of protection would be needed to offset (i.e., mitigate) the ~~5,821~~5,837 acres of permanent and temporary loss from all near-term actions. The combined protection and restoration proposed for managed wetland in the near-term would fall ~~521~~ 537 acres short of full replacement. However, the CM4 marsh restoration activities that would be creating this loss would be simultaneously creating 2,000 acres of tidal brackish emergent wetland and 8,850 acres of tidal freshwater emergent wetland in place of the managed wetland in the near-term. This acreage would significantly exceed the number of acres of managed wetland lost. Mitigation measures would also be undertaken to reduce the effects of managed wetland loss on waterfowl in Suisun Marsh (Mitigation Measure BIO-179a) and the Yolo/Delta basins (Mitigation Measure 179b) if the protection and enhancement actions of CM3 and CM10 were not sufficient to replace the value of managed wetlands for waterfowl in these basins. Refer to the *General Terrestrial Biology Effects* discussion later in this section (Section 12.3.3.9).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

In spite of the managed wetland protection, restoration and avoidance measures contained in Alternative 4, there would be a net reduction in the acreage of this special-status natural community in the near-term. This would be a significant impact when judged by the significance criteria listed earlier in this chapter. However, the conversion of these managed habitats to natural tidal wetland types that support similar ecological functions (2,000 acres of tidal brackish emergent wetland and 8,850 acres of tidal freshwater emergent wetland) would offset this significant impact. Also, there are other conservation actions contained in the BDCP (CM3 and CM11) that would improve management and enhance existing habitat values, further offsetting the impacts of managed wetland loss on covered and noncovered special-status terrestrial species and on common species that rely on this natural community for some life phase. As a result, there would be a less-than-significant impact.

Late Long-Term Timeframe

At the end of the Plan period, ~~13,777~~13,792 acres of managed wetland natural community would be permanently removed by conservation actions, 8,100 acres would be protected and 500 acres would be restored. There would be a net permanent reduction in the acreage of this special-status natural community within the study area. Simultaneously, there would be the creation of 6,000 acres of tidal brackish emergent wetland and 24,000 acres of tidal freshwater emergent wetland in place of this managed wetland. Because these natural wetlands support similar ecological functions to those of managed wetland, there would be a less-than-significant impact.

Impact BIO-25: Increased Frequency, Magnitude and Duration of Periodic Inundation of Managed Wetland Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of managed wetland on wildlife management areas and duck clubs scattered up and down the central and southern bypass. CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways in the south Delta.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation of 931-2,612 acres of managed wetland natural community. The methods used to estimate these inundation acreages are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 931-acre increase in inundation would be associated with a notch flow of 8,000 cubic feet per second (cfs), and the 2,612-acre increase would result from a notch flow of 4,000 cfs. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. Based on the theoretical modeling that has been completed to-date, the largest acreages would be associated with the Sacramento Bypass Wildlife Area, the Yolo Bypass Wildlife Area, and private managed wetlands south of Putah Creek. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). With larger flows, the water depths may also increase over Existing Conditions. While the managed wetlands of the Yolo Bypass are conditioned to periodic inundation events, the more frequent and extended inundation periods may make it more difficult to actively manage the areas for maximum food production for certain species (waterfowl primarily) and may alter the plant assemblages in some years. The effects of this periodic inundation on birds and other terrestrial species are discussed later in this chapter. The additional inundation would not be expected to reduce the acreage of managed wetland on a permanent basis. The extended inundation would be designed to expand foraging and spawning habitat for Delta fishes.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in an increase in the frequency, magnitude and duration of inundation of an estimated 6 acres of managed wetland. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels. The connection of these wetlands to stream flooding events would be beneficial to the ecological function of managed wetlands, especially as they relate to BDCP target aquatic species. Foraging activity and refuge sites would be expanded into areas currently unavailable or infrequently available to some aquatic species. The more frequent flooding would periodically interfere with management activities associated with terrestrial species (primarily waterfowl) and may result in changes in plant composition and management strategies over time.

In summary, 937–2,6181 acres of managed wetland community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5).

***NEPA Effects*:** Managed wetland community would not be adversely affected because much of the acreage affected is conditioned to periodic inundation. The more frequent inundation could create management problems associated with certain species, especially waterfowl, and result in changes over time in plant species composition. The total acreage of managed wetland would not be expected to change permanently as a result of the periodic inundation.

***CEQA Conclusion*:** An estimated 937–2,618 acres of managed wetland community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. Managed wetland community would not be significantly impacted because periodic inundation is already experienced by most of the land that would be affected. There could be increased management problems and a long-term shift in plant species composition. The periodic inundation would not be expected to result in a net permanent reduction in the acreage of this community in the study area. Therefore, there would be a less-than-significant impact on the community.

Impact BIO-26: Modification of Managed Wetland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect managed wetland natural community in the study area. The ongoing actions include changes in operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, reduced diversions from south Delta channels, and recreational use of reserve areas. These actions are associated with CM1 and CM11 (see the impact discussion above for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not result in the reduction in acreage of the managed wetland natural community in the study area. Flow levels in the upstream rivers would not change to the degree that water levels in adjacent managed wetlands would be altered. Similarly, increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in the managed wetland community downstream of these diversions. The majority of the managed wetlands below the diversions is not directly connected to the rivers. Reduced diversions from the south Delta channels would not create a reduction in this natural community.
- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in managed wetland habitats. This activity could lead to increased soil erosion, turbidity and runoff entering managed wetlands. These activities would be subject to normal erosion, turbidity and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within managed wetland habitats would require use of sediment and turbidity barriers, soil stabilization and revegetation of disturbed surfaces. Proper implementation of these measures would avoid permanent adverse effects on this community.
- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to managed wetland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the community, or direct discharge of herbicides to managed wetland areas being treated

for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in aquatic and terrestrial environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

Herbicides to remove aquatic invasive species as part of CM13 would be used to restore the normal ecological function of tidal and nontidal aquatic habitats in planned restoration areas. The treatment activities would be conducted in concert with the California Department of Boating and Waterways' invasive species removal program. Eliminating large stands of water hyacinth and Brazilian waterweed would improve habitat conditions for some aquatic species by removing cover for nonnative predators, improving water flow and removing barriers to movement (see Chapter 11, *Fish and Aquatic Resources*, of the Draft EIR/EIS). These habitat changes should also benefit terrestrial species that use managed wetland natural community for movement corridors and for foraging. Vegetation management effects on individual species are discussed in the species sections on following pages.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the managed wetland natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.
- *Recreation.* The BDCP would allow hunting, fishing and hiking in managed wetland reserve areas. *CM11 Natural Communities Enhancement and Management* ~~(BDCP Chapter 3, Section 3.4.11)~~ describes this program and identifies applicable restrictions on recreation that might adversely affect managed wetland habitat (see Chapter 3, Section 3.4.11 of the Draft BDCP and Appendix D, Section D.3.2.5 of this RDEIR/SDEIS). BDCP also includes an avoidance and minimization measure (AMM37) that further dictates limits on recreation activities that might affect this natural community. Hunting would be the dominant activity in fall and winter months, while fishing and hiking would be allowed in non-hunting months.

The various operations and maintenance activities described above could alter acreage of managed wetland natural community in the study area through facilities maintenance, vegetation management, and recreation. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be offset by restoration activities planned as part of *CM10 Nontidal Marsh Restoration, CM4 Tidal Natural Communities Restoration,* and protection and restoration actions associated with *CM3*

Natural Communities Protection and Restoration. Recreation activity effects would be minimized by AMM37 (~~BDCP Appendix 3.C~~see Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP). The management actions associated with levee repair and control of invasive plant species would also result in a long-term benefit to the species associated with managed wetland habitats by improving water movement.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in acreage of managed wetland natural community within the study area. Therefore, there would be no adverse effect on this natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of managed wetland natural community in the study area, and could create temporary increases in turbidity and sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Hunting could intermittently reduce the availability of this community to special-status and common wildlife species. Implementation of environmental commitments and AMM2, AMM4, AMM5, and AMM37 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including improved water movement in and adjacent to these habitats. Long-term restoration activities associated with *CM10 Nontidal Marsh Restoration and CM4 Tidal Natural Communities Restoration,* and protection and restoration actions associated with *CM3 Natural Communities Protection and Restoration* would greatly expand the ecological functions of this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this sensitive natural community within the study area. Therefore, there would be a less-than-significant impact on the managed wetland natural community.

Other Natural Seasonal Wetland

The other natural seasonal wetlands natural community encompasses all the remaining natural (not managed) seasonal wetland communities other than vernal pools and alkali seasonal wetlands. These areas mapped by CDFW (Hickson and Keeler-Wolf 2007) and ICF biologists (the western area of additional analysis; see Figure 12-1) consist of seasonally ponded, flooded, or saturated soils dominated by grasses, sedges, or rushes. The largest segments of this community in the study area are located along the Cosumnes River northeast of Thornton, and in the western extension of the study area northwest of Rio Vista. Most of the smaller mapped areas are located in the Suisun Marsh ROA on the western edge of the Montezuma Hills and in the interior of the Potrero Hills. There are also other natural seasonal wetlands mapped along Old River and Middle River in CZ 7 (Figure 12-1). The only BDCP conservation component that would potentially affect this natural community is the seasonally inundated floodplain restoration conservation measure (CM5) (see Table 12-4-10).

Table 12-4-10. Changes in Other Natural Seasonal Wetland Associated with Alternative 4 (acres)[a]

	Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	0	0	0	0	0	0
CM2	0	0	0	0	0	0
CM4	0	0	0	0	0	0
CM5	0	0	0	0	0	2
CM6	Unk.	Unk.	Unk.	Unk.	0	0
TOTAL IMPACTS	**0**	**0**	**0**	**0**	**0**	**2**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-27: Modification of Other Natural Seasonal Wetland Natural Community as a Result of Implementing BDCP Conservation Measures

Based on theoretical footprints for this activity, *CM5 Seasonally Inundated Floodplain Restoration* could expose 2 acres of other natural seasonal wetland community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways throughout the study area. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels, including the channels of Old River and Middle River. Several small patches of other natural seasonal wetland natural community are mapped along these waterways. The exposure of these seasonal wetlands to increased but infrequent episodes of stream flooding would not alter their ecological function or species composition. Their value to special-status and common plants and wildlife in the study area would not be affected. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.

NEPA Effects: Alternative 4 conservation actions would not adversely affect other natural seasonal wetland natural community because the small increase in periodic flooding of up to 2 acres would not alter its function or general species makeup.

CEQA Conclusion: An estimated 2 acres of other natural seasonal wetland community in the study area would be subjected to more frequent inundation from flood flows as a result of implementing CM5 under Alternative 4. This community would not be significantly impacted because a small increase in periodic flooding would not alter its ecological function or species composition. The periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Therefore, there would be no substantial adverse effect on the community. The impact would be less than significant.

Impact BIO-28: Modification of Other Natural Seasonal Wetland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect other natural seasonal wetland natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels. These actions are associated with CM1. The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not affect other natural seasonal wetland natural community. The small areas mapped in the study area are not in or adjacent to streams that would experience changes in water levels as a result of these operations.
- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in other natural seasonal wetland habitats. This activity could lead to increased soil erosion and runoff entering these habitats. These activities would be subject to normal erosion and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within other natural seasonal wetland habitats would require use of sediment barriers, soil stabilization and revegetation of disturbed surfaces as required by *AMM10 Restoration of Temporarily Affected Natural Communities*. Proper implementation of these measures would avoid permanent adverse effects on this community.
- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Communities Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to the other natural seasonal wetland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to wetland areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments~~ are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix

3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in terrestrial or aquatic environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the other natural seasonal wetland natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of other natural seasonal wetland natural community in the study area. Activities could introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be minor when compared to the restoration activities planned as part of *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, or minimized by implementation of AMM2, AMM4, AMM5, and AMM10. The vernal pool complex conservation measure includes restoration of 139 acres of seasonal wetlands with similar ecological values as the other natural seasonal wetland community. The management actions associated with control of invasive plant species would also result in a long-term benefit to the species associated with other natural seasonal wetland habitats by eliminating competitive, invasive species of plants.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be no adverse effect on the other natural seasonal wetland natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of other natural seasonal wetland natural community in the study area, and could create temporary increases in sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, AMM5, and AMM10 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including reduced competition from invasive, nonnative plants in these habitats. Long-term restoration activities associated with *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would ensure that the ecological values provided by this small natural community would not decrease in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be a less-than-significant impact on the other natural seasonal wetland natural community.

Grassland

Construction, operation, maintenance and management associated with the conservation components of Alternative 4 would have no long-term adverse effects on the habitats associated with the grassland natural community. Initial development and construction of CM1, CM2, CM4, CM5, CM6, CM7, CM11 and CM18 would result in both permanent and temporary removal of this community (see Table 12-4-11). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the grassland natural community.

- Protect 8,000 acres of grassland with at least 2,000 acres protected in Conservation Zone 1, at least 1,000 acres protected in Conservation Zone 8, and at least 2,000 acres protected in Conservation Zone 11 (Objective GNC1.1, associated with CM3).
- Restore 2,000 acres of grasslands to connect fragmented patches of protected grassland and to provide upland habitat adjacent to riparian, tidal, and nontidal natural communities for wildlife foraging and upland refugia (Objective GNC1.2, associated with CM3 and CM8).
- Of the 8,000 acres of grassland protected and at least 2,000 acres of grassland restored, protect or restore grasslands adjacent to restored tidal brackish emergent wetlands to provide 200 feet of adjacent grasslands beyond the sea level rise accommodation (Objective GNC1.4, associated with CM3 and CM8).

There is a variety of other, less specific conservation goals and objectives in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP that would improve the value of grassland natural community for terrestrial species. As explained below, with the protection, restoration and enhancement of the amounts of habitat listed in the BDCP objectives, in addition to implementation of AMMs, impacts on this natural community would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-11. Changes in Grassland Natural Community Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] CM2	Periodic[d] CM5
CM1	~~460~~506	~~460~~506	~~158~~ 151	~~158~~ 151	0	0
CM2	388	388	239	239	385–1,277	0
CM4	448	1,122	0	0	0	0
CM5	0	51	0	34	0	514
CM6	Unk.	Unk.	Unk.	Unk.	0	0
CM7	4	410	0	0	0	0
CM11	13	50	0	0	0	0
CM18	35	35	0	0	0	0
TOTAL IMPACTS	**~~1,348~~ 1,394**	**~~2,516~~ 2,562**	**~~397~~ 390**	**~~431~~ 424**	**385–1,277**	**514**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
Unk. = unknown

Impact BIO-29: Changes in Grassland Natural Community as a Result of Implementing BDCP Conservation Measures

Construction, land grading and habitat restoration activities that would accompany the implementation of CM1, CM2, CM4, CM5, CM6, CM7, CM11 and CM18 would permanently eliminate an estimated ~~2,516~~2,562 acres and temporarily remove ~~431~~ 424 acres of grassland natural community in the study area. These modifications represent approximately 4% of the 78,047 acres of the community that is mapped in the study area. Approximately ~~59~~60% (~~1,745~~1,784 acres) of the permanent and temporary losses would happen during the ~~first 10 years~~near-term time period of Alternative 4 implementation, as water conveyance facilities are constructed and habitat restoration is initiated. Grassland protection (2,000 acres), restoration (1,140 acres) and enhancement would be initiated during the same period. By the end of the Plan period, 2,000 acres of this natural community would be restored and 8,000 acres would be protected. The ~~BDCP beneficial effects~~ analysis for grassland ~~(BDCP~~in Chapter 5, Section 5.4.11.2, *Beneficial Effects*, of the Draft BDCP~~)~~ indicates that 8,000 acres of grasslands would be protected in Conservation Zones 1, 2, 4, 5, 7, 8, and 11, and 2,000 acres of grassland would be restored. Grassland protection and restoration would improve connectivity among habitat areas in and adjacent to the Plan Area, improve genetic interchange among native species' populations, and contribute to the long-term conservation of grassland-associated covered species.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of the Alternative 4 water conveyance facilities would permanently remove ~~460~~ 506 acres and temporarily remove ~~158~~ 151 acres of grassland natural community. The permanent losses would occur where Intakes 2, 3, and 5 encroach on the Sacramento River's east bank between Clarksburg and Courtland~~; along the permanent transmission line corridor adjacent to Lambert Road~~; the rerouting of Highway 160; construction of the intermediate forebay; a reusable tunnel material storage site on Bouldin Island; at a permanent pipeline shaft access road on the east side of Bacon Island; and at various permanent facility sites ~~south and west of~~around Clifton Court Forebay, including a reusable tunnel material storage site, new canal connections from Clifton Court Forebay to the two aqueducts, and in the forebay expansion area on the south side of the existing forebay. Most of the permanent losses would be of ruderal and herbaceous grassland areas that exist in very narrow bands adjacent to waterways, levees and roads (see Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). Some of the grassland lost at the sites of new canals south of Clifton Court Forebay is composed of larger stands of ruderal and herbaceous vegetation and California annual grassland. The temporary losses would be associated with construction of the pump stations and temporary access roads along the Sacramento River; at work areas and barge offloading facility construction sites at the south end of Bouldin Island, at the north end of Bacon Island, and the south end of Venice Island and at the northwest corner of Victoria Island; at temporary access road sites on ~~the north end of Staten Island and~~ the northern and southern ends of Bacon Island and the northwest corner of Victoria Island; at temporary work areas on Mandeville and Bacon Islands; ~~and~~ at the operable barrier construction site at the head of Old River, and various locations around Clifton Court Forebay. These losses would take place during the near-term construction period.

  The construction activity associated with CM1 also has the potential to lead to increased nitrogen deposition in grassland habitats in the vicinity of Clifton Court Forebay. A significant number of cars, trucks, and land grading equipment involved in construction in and around the forebay would emit small amounts of atmospheric nitrogen from fuel combustion; this material could be deposited in sensitive grassland areas that are located west of the major construction areas at Clifton Court Forebay. Nitrogen deposition can pose a risk of adding a fertilizer to nitrogen-limited soils and their associated plants. Nonnative invasive species can be encouraged by the added nitrogen available. ~~BDCP~~ Appendix 5.J, Attachment 5J.A, *Construction-Related Nitrogen Deposition on BDCP Natural Communities*, of the Draft BDCP addresses this issue in detail. It has been concluded that this potential deposition would pose a low risk of changing the grassland in and adjacent to the construction areas because the construction would contribute a negligible amount of nitrogen to regional projected emissions and the existing grassland is dominated by nonnative invasive species of plants. Also, the construction at Clifton Court Forebay would occur primarily downwind of the natural community. No adverse effect is expected.

- *CM2 Yolo Bypass Fisheries Enhancement*: Implementation of CM2 would involve a number of construction activities within the Yolo and Sacramento Bypasses, including Fremont Weir and stilling basin improvements, Putah Creek realignment activities, Toe Drain/Tule Canal and

Lisbon Weir modification and Sacramento Weir improvements. All of these activities could involve excavation and grading in grassland areas to improve passage of fish through the bypasses. Based on hypothetical construction footprints, a total of 388 acres could be permanently lost and another 239 acres could be temporarily removed. Most of the grassland losses would occur at the north end of the bypass below Fremont Weir where a large expanse of grassland is present, along the Toe Drain/Tule Canal, and along the west side channels. These grasslands are composed primarily of upland annual grassland and forbs. Some of this grassland removal along the side channels of the bypass could pose barriers to grassland species moving within the bypass. These losses would occur primarily in the near-term timeframe.

- *CM4 Tidal Natural Communities Restoration*: Based on the use of hypothetical restoration footprints, implementation of CM4 would permanently inundate or remove 448 acres of grassland in the near-term and inundate or remove 1,122 acres of grassland by the end of the Plan timeframe. The losses would occur in a number of ROAs established for tidal restoration (see Figure 12-1). The largest losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Most of this grassland is ruderal and herbaceous vegetation with low habitat value; some of the larger patches of grassland in the Cache Slough ROA are annual grassland with higher values.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would permanently remove 51 acres and temporarily remove 34 acres of grassland natural community. The construction-related losses would be considered a permanent removal of the habitats directly affected. These losses would be expected to occur along the San Joaquin River and other major waterways in CZ 7 (see Figure 12-1). The grassland in this area is primarily composed of narrow bands and small patches of ruderal herbaceous grasses and forbs. This activity is scheduled to start following construction of water conveyance facilities~~, which is expected to take 10 years~~.

- *CM6 Channel Margin Enhancement*: Channel margin habitat enhancement could result in removal of small amounts of grassland natural community along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur along waterway margins where grassland habitat stringers exist, including along levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.

- *CM7 Riparian Natural Community Restoration*: Riparian natural community restoration would occur in a variety of settings in the Plan Area, with an emphasis on improving connectivity of existing riparian areas and stream/river corridors, to benefit the movement and interchange of special-status and common species that use these areas. Large tracts would be restored in concert with floodplain restoration (CM5), while narrower bands would be developed as part of channel margin enhancement (CM6) and tidal marsh restoration (CM4). In the process of expanding woody riparian habitat, existing nonnative grassland would be removed. While specific locations for these restoration activities have not been fully developed, use of theoretical footprints for this activity indicate that up to 410 acres of grassland could be lost through the course of Plan implementation. A majority of this activity would occur in the South Delta and Cosumnes/Mokelumne ROAs (see Figure 12-1).

- *CM8 Grassland Natural Community Restoration*: The grassland natural community would be restored primarily on the fringes of the Delta, where upland areas merge with Delta wetland and agricultural lands. Restoration would focus on CZ 1, CZ 8, and CZ 11, as proposed by BDCP Objective GNC1.1 (Figure 12-1), with a goal of improving habitat connectivity and increasing the diversity of grassland species (Objective GNC1.2). Some of the planned 2,000 acres of restoration would occur around existing populations of giant garter snake in the east Delta and the Yolo Bypass area.
- *CM11 Natural Communities Enhancement and Management*: Natural communities enhancement and management would include a wide range of activities designed to improve habitat conditions in restored and protected lands associated with the BDCP. This measure also promotes sound use of pesticides, vector control activities, invasive species control and fire management in preserve areas. To improve the public's ability to participate in recreational activities in and adjacent to restored and protected habitats, a system of trails is proposed. The location and extent of this system are not yet known, so the analysis of this activity is programmatic. At the current level of planning, it is assumed that the trail system would be located entirely in grassland habitats and would include up to 50 acres of habitat loss.
- *CM18. Conservation Hatcheries*: The BDCP includes a proposal to design and construct a conservation hatchery to maintain populations of delta smelt and longfin smelt. The location of this facility is not yet firmly established, but for planning purposes it has been assumed that it would be constructed in the vicinity of Rio Vista and would be located in grassland habitat. The grassland in the Rio Vista area includes both California annual grassland and ruderal herbaceous grasses and forbs. The current estimate of the land needed for this facility is 35 acres.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

During the near-term timeframe ~~(the first 10 years of BDCP implementation)~~, Alternative 4 would affect the grassland natural community through CM1 construction losses (~~460~~ 506 acres permanent and ~~158~~ 151 acres temporary), CM2 construction losses (388 acres permanent and 239 acres temporary), CM11 recreational trail construction (13 acres permanent), CM18 fish hatchery construction (35 acres permanent), and CM7 riparian habitat restoration (4 acres permanent). These losses would occur along the eastern bank of the Sacramento River at intake sites, adjacent to Clifton Court Forebay associated with forebay expansion, at various permanent and temporary construction sites for barge unloading facilities and tunnel shaft sites through the central Delta, at currently unspecified sites for hatchery and recreational trail construction and riparian restoration, at fish passage construction sites in the northern Yolo Bypass, and along the east and west channels within the Yolo Bypass. Approximately 448 acres of the inundation and construction-related losses in habitat from CM4 would occur in the near-term. These tidal restoration losses would occur throughout the ROAs mapped in Figure 12-1.

The construction losses of this natural community would not represent an adverse effect based on the significance criteria used for this chapter because grassland is not considered a special-status or sensitive natural community. Most Central Valley grasslands are dominated by nonnative annual grasses and herbs. However, the importance of grassland as a habitat that supports life stages of numerous special-status plants and wildlife is well documented (see ~~BDCP~~ Chapter 3, *Conservation*

Strategy, of the Draft BDCP~~)~~). The significance of losses in grassland habitat is, therefore, discussed in more detail in species analyses later in this chapter. The combination of restoring 1,140 acres (CM8) and protecting 2,000 acres (CM3) of grassland natural community during the first 10 years of BDCP implementation, and the commitment to restore temporarily affected grassland (397 acres) to its pre-project condition within one year of completing construction as required by *AMM10 Restoration of Temporarily Affected Natural Communities*, would offset this near-term loss, avoiding any loss in the value of this habitat for special-status species. The restoration of grassland would include protection in perpetuity, and the protected and restored habitat would be managed and enhanced to benefit special-status and common wildlife species (CM3 and CM11). Typical project-level mitigation ratios (2:1 for protection) would indicate that ~~3,490~~3,568 acres of protection would be needed to offset (i.e., mitigate) the ~~1,745~~1,784 acres of combined permanent and temporary loss. The combination of restoration and protection, along with the enhancement and management associated with CM3 and CM11 contained in the BDCP, is designed to avoid a temporal lag in the value of grassland habitat available to sensitive species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats at work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Implementation of Alternative 4 as a whole would result in less than 4% losses of grassland natural community in the study area. These losses (~~2,516~~2,562 acres of permanent and ~~431~~ 424 acres of temporary loss) would be largely associated with construction of the water conveyance facilities (CM1), construction of Yolo Bypass fish improvements (CM2), inundation during tidal marsh restoration (CM4), and riparian habitat restoration (CM7). Inundation losses would occur through the course of BDCP restoration activities at various tidal restoration sites throughout the study area.

NEPA Effects: By the end of the Plan timeframe, a total of 2,000 acres of this natural community would be restored (CM8) and 8,000 acres would be protected (CM3). The restoration would occur primarily in CZ 1, CZ 8, and CZ 11, in the Cache Slough, Suisun Marsh and Clifton Court Forebay areas. Temporarily affected grassland would also be restored following construction activity. The 2,000 acres of restoration associated with CM8, and the restoration of temporarily affected grassland required by AMM10 (~~431~~ 424 acres for Alternative 4) would not totally replace the grassland acres lost through the Plan timeframe (~~2,947~~2,986 acres). There would be a permanent loss of ~~516~~ 562 acres of grassland in the study area. However, the combination of restoration, protection and enhancement of grassland associated with Alternative 4 would improve the habitat value of this community in the study area; there would not be an adverse effect on the grassland natural community.

CEQA Conclusion:

Near-Term Timeframe

Alternative 4 would result in the loss of approximately ~~1,745~~1,784 acres of grassland natural community due to construction of the water conveyance facilities (CM1), fish passage improvements

(CM2), riparian habitat restoration (CM7), recreational trail development (CM11), fish hatchery construction (CM18), and inundation during tidal marsh restoration (CM4). The construction losses would occur along the eastern bank of the Sacramento River at intake sites, adjacent to Clifton Court Forebay associated with forebay expansion, at various permanent and temporary construction sites for barge unloading facilities and tunnel shaft sites through the central Delta, at currently unspecified sites for hatchery and recreational trail construction and riparian habitat restoration, at fish passage improvement sites in the northern Yolo Bypass, and along the east and west channels within the Yolo Bypass. Inundation losses would occur at various tidal restoration sites throughout the study area. The construction losses would be spread across ~~a 10-year~~the near-term timeframe.

The construction losses of this natural community would not represent a significant impact based on the significance criteria used for this chapter because grassland is not considered a special-status or sensitive natural community. Nonetheless, these losses would be offset by planned restoration of 1,140 acres and protection of 2,000 acres of grassland natural community scheduled for the first 10 years of Alternative 4 implementation, and the restoration of temporarily affected grassland (397 acres for Alternative 4) as dictated by AMM10. Also, AMM1, AMM2, AMM6, and AMM7 would be implemented to minimize impacts. Because of these offsetting near-term restoration and protection activities and AMMs, impacts would be less than significant. Typical project-level mitigation ratios (2:1 for protection) would indicate that ~~3,490~~3,568 acres of protection would be needed to offset (i.e., mitigate) the ~~1,745~~1,784 acres of loss. The combination of two approaches (protection and restoration) contained in the BDCP conservation measures and avoidance and minimization measures is designed to avoid a temporal lag in the value of grassland habitat available to special-status species. The protection and restoration would be initiated at the beginning of Alternative 4 implementation to minimize any time lag in the availability of this habitat to special-status species.

Late Long-Term Timeframe

At the end of the Plan period, ~~2,947~~2,986 acres of grassland natural community would be permanently or temporarily removed by conservation actions, 2,000 acres would be restored and 8,000 acres would be protected. Temporarily affected areas would also be restored (~~431~~ 424 acres for Alternative 4). While there would be a net permanent reduction in the acreage of this natural community within the study area (total loss of ~~516~~ 562 acres), there would be an increase in the value of grassland for special-status and common species in the study area through the combination of conservation actions (CM3 and CM8) and avoidance and minimization measures (AMM1, AMM2, AMM6, AMM7, and AMM10). Therefore, Alternative 4 would have a less-than-significant impact on this natural community.

Impact BIO-30: Increased Frequency, Magnitude and Duration of Periodic Inundation of Grassland Natural Community

Two Alternative 4 conservation measures would modify the inundation/flooding regimes of both natural and man-made waterways in the study area. CM2, which is designed to improve fish passage and shallow flooded habitat for Delta fishes in the Yolo Bypass, would increase periodic inundation of grassland natural community at scattered locations, while CM5 would expose this community to additional flooding as channel margins are modified and levees are set back to improve fish habitat along some of the major rivers and waterways of the study area.

- *CM2 Yolo Bypass Fisheries Enhancement*: Operation of the Yolo Bypass under Alternative 4 would result in an increase in the frequency, magnitude and duration of inundation of 385–1,277 acres of grassland natural community. The methods used to estimate this inundation acreage are described in ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP. The area more frequently affected by inundation would vary with the flow volume that would pass through the newly constructed notch in the Fremont Weir. The 385-acre increase in inundation would occur at the 1,000 cfs flow regime, while the 1,277-acre increase would occur at the 4,000 cfs flow regime. Plan-related increases in flow through Fremont Weir would be expected in 30% of the years. The grassland community occurs throughout the bypass, including a large acreage just below Fremont Weir in the north end of the bypass, in stringers along the internal waterways of the bypass and in larger patches in the lower bypass. The anticipated change in management of flows in the Yolo Bypass includes more frequent releases in flows into the bypass from the Fremont and Sacramento Weirs, and in some years, later releases into the bypass in spring months (April and May). The modification of periodic inundation events would not adversely affect grassland habitats, as they have persisted under similar high flows and extended inundation periods. There is the potential for some change in grass species composition as a result of longer inundation periods. The effects of this inundation on wildlife and plant species are described in detail in later sections of this chapter.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration would result in an increase in the frequency and duration of inundation of 514 acres of grassland habitats. Specific locations for this restoration activity have not been identified, but they would likely be focused in the south Delta area, along the major rivers and Delta channels in CZ 7 (see Figure 12-1). The increase in periodic stream flooding events would not adversely affect the habitat values and functions of grassland natural community.

In summary, 899–1,791 acres of grassland natural community in the study area would be subjected to more frequent inundation as a result of implementing two Alternative 4 conservation measures (CM2 and CM5).

NEPA Effects: The grasslands in the Yolo Bypass and along river floodplains in the south Delta are conditioned to periodic inundation from flood flows; therefore, periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Increasing periodic inundation of grassland natural community in the Yolo Bypass and along south Delta waterways would not constitute an adverse effect.

CEQA Conclusion: An estimated 899–1,791 acres of grassland natural community in the study area would be subjected to more frequent inundation as a result of implementing CM2 and CM5 under Alternative 4. The grassland natural community is conditioned to periodic inundation; therefore, periodic inundation would not result in a net permanent reduction in the acreage of this community in the study area. Increasing periodic inundation of grassland natural community in the Yolo Bypass and along south Delta waterways would have a less-than-significant impact on the community.

Impact BIO-31: Modification of Grassland Natural Community from Ongoing Operation, Maintenance and Management Activities

Once the physical facilities associated with Alternative 4 are constructed and the stream flow regime associated with changed water management is in effect, there would be new ongoing and periodic actions associated with operation, maintenance and management of the BDCP facilities and conservation lands that could affect grassland natural community in the study area. The ongoing actions include modified operation of upstream reservoirs, the diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels. These actions are associated with CM1 (see Impact BIO-30 for effects associated with CM2). The periodic actions would involve access road and conveyance facility repair, vegetation management at the various water conveyance facilities and habitat restoration sites (CM11), levee repair and replacement of levee armoring, channel dredging, and habitat enhancement in accordance with natural community management plans. The potential effects of these actions are described below.

- *Modified river flows upstream of and within the study area and reduced diversions from south Delta channels.* Changes in releases from reservoirs upstream of the study area, increased diversion of Sacramento River flows in the north Delta, and reduced diversions from south Delta channels (associated with Operational Scenario H) would not result in the permanent reduction in acreage of grassland natural community in the study area. Flow levels in the upstream rivers would not change such that the acreage of this community would be reduced on a permanent basis. The grassland along rivers upstream of planned north Delta diversions is primarily ruderal vegetation on levee banks and is dependent on winter and spring rains for germination and growth rather on than river levels. Similarly, increased diversions of Sacramento River flows in the north Delta would not result in a permanent reduction in grassland natural community downstream of these diversions. The reductions in flows below the intakes would occur primarily in the wet months when the existing nonnative annual grasslands along river levees are dormant, and like upstream grassland, this community is dependent on winter and spring rains for germination and growth in the winter and spring months, not on river stage. Anticipated small changes in river salinity in the west Delta and Suisun Marsh would not create a substantial change in grassland acreage in these areas. Reduced diversions from south Delta channels would not create a reduction in this natural community.

- *Access road, water conveyance facility and levee repair.* Periodic repair of access roads, water conveyance facilities and levees associated with the BDCP actions have the potential to require removal of adjacent vegetation and could entail earth and rock work in grassland habitats. This activity could lead to increased soil erosion and runoff entering these habitats. These activities would be subject to normal erosion and runoff control management practices, including those developed as part of *AMM2 Construction Best Management Practices and Monitoring* and *AMM4 Erosion and Sediment Control Plan.* Any vegetation removal or earthwork adjacent to or within grassland habitats would require use of sediment barriers, soil stabilization and revegetation of disturbed surfaces (*AMM10 Restoration of Temporarily Affected Natural Communities)*. Proper implementation of these measures would avoid permanent adverse effects on this community.

- *Vegetation management.* Vegetation management, in the form of physical removal and chemical treatment, would be a periodic activity associated with the long-term maintenance of water conveyance facilities and restoration sites (*CM11 Natural Community Enhancement and Management).* Use of herbicides to control nuisance vegetation could pose a long-term hazard to grassland natural community at or adjacent to treated areas. The hazard could be created by uncontrolled drift of herbicides, uncontrolled runoff of contaminated stormwater onto the natural community, or direct discharge of herbicides to grassland areas being treated for invasive species removal. Environmental commitments and *AMM5 Spill Prevention, Containment, and Countermeasure Plan* have been made part of the BDCP to reduce hazards to humans and the environment from use of various chemicals during maintenance activities, including the use of herbicides. These commitments ~~are described in Appendix 3B~~, including the commitment to prepare and implement spill prevention, containment, and countermeasure plans and stormwater pollution prevention plans, are described in Appendix 3B, *Environmental Commitments*, of the Draft EIR/EIS. Best management practices, including control of drift and runoff from treated areas, and use of herbicides approved for use in terrestrial environments would also reduce the risk of affecting natural communities adjacent to water conveyance features and levees associated with restoration activities.

- *Channel dredging.* Long-term operation of the Alternative 4 intakes on the Sacramento River would include periodic dredging of sediments that might accumulate in front of intake screens. The dredging could occur adjacent to grassland natural community. This activity should not permanently reduce the acreage of grassland natural community because it is periodic in nature; the grassland in the vicinity of the proposed intakes is ruderal grasses and herbs with low habitat value.
- *Habitat enhancement.* The BDCP includes a long-term management element for the natural communities within the Plan Area (CM11). For the grassland natural community, a management plan would be prepared that specifies actions to improve the value of the habitats for covered species. Actions would include control of invasive nonnative plant and animal species, fire management, restrictions on vector control and application of herbicides, and maintenance of infrastructure that would allow for movement through the community. The enhancement efforts would improve the long-term value of this community for both special-status and common species.

The various operations and maintenance activities described above could alter acreage of grassland natural community in the study area through changes in flow patterns and changes in periodic inundation of this community. Activities could also introduce sediment and herbicides that would reduce the value of this community to common and sensitive plant and wildlife species. Other periodic activities associated with the Plan, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would be undertaken to enhance the value of the community. While some of these activities could result in small changes in acreage, these changes would be greatly offset by restoration activities planned as part of *CM8 Grassland Natural Community Restoration*, or minimized by implementation of AMM2, AMM4, AMM5, and AMM10. The management actions associated with levee repair, periodic dredging and control of invasive plant species would also result in a long-term benefit to the species associated with grassland habitats by improving water movement in adjacent waterways and by eliminating competitive, invasive species of plants.

NEPA Effects: Ongoing operation, maintenance and management activities associated with Alternative 4 would not result in a net permanent reduction in grassland natural community within the study area. Therefore, there would be no adverse effect on this natural community.

CEQA Conclusion: The operation and maintenance activities associated with Alternative 4 would have the potential to create minor changes in total acreage of grassland natural community in the study area, and could create temporary increases sedimentation. The activities could also introduce herbicides periodically to control nonnative, invasive plants. Implementation of environmental commitments and AMM2, AMM4, AMM5, and AMM10 would minimize these impacts, and other operations and maintenance activities, including management, protection and enhancement actions associated with *CM3 Natural Communities Protection and Restoration* and *CM11 Natural Communities Enhancement and Management*, would create positive effects, including reduced competition from invasive, nonnative plants in these habitats. Long-term restoration activities associated with *CM8 Grassland Natural Community Restoration* and protection actions associated with *CM3 Natural Communities Protection and Restoration* would increase the value of this natural community in the study area. Ongoing operation, maintenance and management activities would not result in a net permanent reduction in this natural community within the study area. Therefore, there would be a less-than-significant impact on the grassland natural community.

Inland Dune Scrub

The inland dune scrub natural community is composed of vegetated, stabilized sand dunes associated with river and estuarine systems. In the study area, the inland dune scrub community consists of remnants of low-lying ancient stabilized dunes related to the Antioch Dunes formation located near the town of Antioch (CZ 10; see Figure 12-1). While inland dune scrub is within the BDCP Plan Area, none of the Alternative 4 conservation measures or covered actions is expected to affect this community.

Cultivated Lands

Cultivated lands is the major land cover type in the study area (487,106 acres, see Table 12-1 in the Draft EIR/EIS). The Delta, the Yolo Bypass and the Cache Slough drainage are dominated by various types of agricultural activities, with crop production the dominant element (see Figure 12-1). Major crops and cover types in agricultural production include grain and hay crops (wheat, oats and barley), field crops (corn, beans and safflower), truck crops (tomatoes, asparagus and melons), pasture (alfalfa, native and nonnative pasture), rice, orchards, and vineyards. Tables 12-2 and 12-3 in the Draft EIR/EIS list special-status wildlife species supported by cultivated lands.

The effects of Alternative 4 on cultivated lands are discussed from various perspectives in this document. Chapter 14, *Agricultural Resources*, of the Draft EIR/EIS includes a detailed analysis of cropland conversion as it relates to agricultural productivity. Many of the discussions of individual terrestrial plant and wildlife species in this chapter also focus on the relevance of cultivated land loss. Because cultivated lands is not a natural community and because the effects of its loss are captured in the individual species analyses, there is no separate analysis of this land cover type presented here. Table 14-8 in Chapter 14 of the Draft EIR/EIS provides a comparison of important farmland losses that would result from construction of CM1 water conveyance facilities for each alternative, and Table 14A-1 in Appendix 14A, *Individual Crop Effects as a Result of BDCP Water Conveyance Facility Construction*, of the Draft EIR/EIS provides a similar comparison for losses of individual crops. ~~Table 12-ES-1 in this chapter's Summary of Effects identifies the total cultivated land loss for all project alternatives.~~ For Alternative 4, the total loss (permanent and temporary) is estimated to be 57,448~~8,324~~ acres. The majority of the permanent loss would be associated with habitat restoration activities, specifically Yolo Bypass fisheries enhancement (CM2; 629 acres), tidal marsh restoration (CM4; 39,565 acres), floodplain restoration (CM5; 2,087 acres), riparian natural community restoration (CM7; 4,553 acres), grassland restoration (CM8; 2,000 acres) and nontidal marsh restoration (CM10; 1,950 acres). Construction of the modified tunnel and associated water conveyance facilities (CM1) would permanently remove 3,768~~4,588~~ acres of cultivated lands.

Developed Lands

Additional lands in the study area that were not designated with a natural community type have been characterized as developed lands (90,660 acres). Developed lands include lands with residential, industrial, and urban land uses, as well as landscaped areas, riprap, road surfaces and other transportation facilities (see Figure 12-1 ~~in the Draft EIR/EIS~~ and the Terrestrial Biology Mapbook in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS). Developed lands support some common plant and wildlife species, whose abundance and species richness vary with the intensity of development. One special-status species, the giant garter snake, is closely associated with a small element of developed lands; specifically, embankments and levees near water that are covered with riprap provide giant garter snake habitat.

As with cultivated lands, no effort has been made to analyze the effects of Alternative 4 conservation measures on this land cover type because it is not a natural community. The effects of its conversion are discussed in Chapter 13, *Land Use*, of the Draft EIR/EIS. Where the loss of developed lands may affect individual special-status species or common species, the impact analysis is contained in that species discussion.

Wildlife Species

Vernal Pool Crustaceans

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on vernal pool crustaceans (California linderiella, Conservancy fairy shrimp, longhorn fairy shrimp, midvalley fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp). The habitat model used to assess effects for the vernal pool crustaceans consists of: vernal pool complex, which consists of vernal pools and uplands that display characteristic vernal pool and swale visual signatures that have not been significantly affected by agricultural or development practices; alkali seasonal wetlands in CZ 8; and degraded vernal pool complex, which consists of low-value ephemeral habitat ranging from areas with vernal pool and swale visual signatures that display clear evidence of significant disturbance due to plowing, disking, or leveling to areas with clearly artificial basins such as shallow agricultural ditches, depressions in fallow fields, and areas of compacted soils in pastures. For the purpose of the effects analysis, vernal pool complex is categorized as high-value for vernal pool crustaceans and degraded vernal pool complex is categorized as low-value for these species. Alkali seasonal wetlands in CZ 8 were included in the model as high-value habitat for vernal pool crustaceans. Also included as low-value habitat for vernal pool crustaceans are areas along the eastern boundary of CZ 11 that are mapped as vernal pool complex because they flood seasonally and support typical vernal pool plants, but which do not include topographic depressions that are characteristic of vernal pool crustacean habitat.

Construction and restoration associated with Alternative 4 conservation measures would result in permanent losses (see Table 12-4-12) and indirect conversions of vernal pool crustacean modeled habitat. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the Plan Area. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit vernal pool crustaceans (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Protect 600 acres of vernal pool complex in CZ 1, CZ 8, or CZ 11, primarily in core vernal pool recovery areas (Objective VPNC1.1, associated with CM3).
- Restore vernal pool complex in CZ 1, CZ 8, and CZ 11 to achieve no net loss of vernal pool acreage (up to 67 acres of vernal pool complex restoration [10 wetted acres])(Objective VPNC1.2, associated with CM9).
- Increase size and connectivity of protected vernal pool complexes in plan area and increase connectivity with complexes outside the Plan Area (Objective VPNC1.3)
- Protect the range of inundation characteristics of vernal pools in the Plan Area (Objective VPNC1.4)
- Maintain and enhance vernal pool complexes to provide appropriate inundation (ponding) for supporting and sustaining vernal pool species (Objective VPNC2.1)
- Protect one currently unprotected occurrence of conservancy fairy shrimp (Objective VPC1.1)

As explained below, with the restoration or protection of these amounts of habitat, in addition to implementation of AMMs, impacts on vernal pool crustaceans would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-12. Changes in Vernal Pool Crustacean Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	High-value	~~8~~24	~~8~~24	~~16~~1	~~16~~1	NA	NA
	Low-value	7	7	2	2	NA	NA
Total Impacts CM1		**~~15~~31**	**~~15~~31**	**~~18~~3**	**~~18~~3**	**NA**	**NA**
CM2–CM18 [b]	High-value	0	0	0	0	0–4	0
	Low-value	201	372	0	0	0	0
Total Impacts CM2–CM18		**201**	**372**	**0**	**0**	**0–4**	**0**
TOTAL IMPACTS		**~~216~~232**	**~~387~~403**	**~~18~~3**	**~~18~~3**	**0–4**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-32: Loss or Conversion of Habitat for and Direct Mortality of Vernal Pool Crustaceans

Alternative 4 conservation measures would result in the direct, permanent loss of up to ~~387~~ 403 acres of modeled vernal pool crustacean habitat from conveyance facilities construction (CM1) and tidal restoration (CM4). In addition, the conservation measures could result in the indirect conversion due to hydrologic changes of an additional ~~145~~ 176 acres of vernal pool crustacean habitat (~~98~~ 131 acres of high-value habitat and ~~47~~ 45 acres of low-value habitat) from conveyance facilities construction (CM1) and based on the hypothetical footprints for tidal restoration (CM4). Construction of the water conveyance facilities and restoration activities may result in the modification of hardpan and changes to the perched water table, which could lead to alterations in the rate, extent, and duration of inundation of nearby vernal pool crustacean habitat. USFWS typically considers construction within 250 feet of vernal pool crustacean habitat to constitute a possible conversion of crustacean habitat unless more detailed information is provided to further refine the limits of any such effects. For the purposes of this analysis, the 250-foot buffer was applied to the water conveyance facilities work areas where surface and subsurface disturbance activities would take place and to restoration hypothetical footprints. Habitat enhancement and management activities (CM11), which include disturbance or removal of nonnative vegetation, could result in local adverse habitat effects.

Alternative 4 would also result in impacts on critical habitat for Conservancy fairy shrimp (248 acres), vernal pool fairy shrimp (~~462~~ 465 acres), and vernal pool tadpole shrimp (270 acres). The hypothetical tidal restoration (CM4) footprints in CZ 11 account for all of the effects on critical habitat for Conservancy fairy shrimp and vernal pool tadpole shrimp. Vernal pool fairy shrimp critical habitat would also be affected by CM4 in this same area and would be affected by conveyance facilities construction (CM1) west of Clifton Court Forebay. *AMM12 Vernal Pool Crustaceans* would ensure that there would be no adverse modification of the primary constituent elements of critical habitat for these species in association with restoration projects in CZ 1 and CZ 11.

Because the estimates of habitat loss resulting from tidal inundation are based on projections of where restoration may occur, actual effects are expected to be lower because sites would be selected and restoration projects designed to minimize or avoid effects on the covered vernal pool crustaceans. As specified in *AMM12 Vernal Pool Crustaceans* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, the BDCP Implementation Office would ensure that tidal restoration projects and other covered activities would be designed such that no more than a total of 10 wetted acres of vernal pool crustacean habitat are permanently lost. AMM12 would also ensure that no more than 20 wetted acres of vernal pool crustacean habitat are indirectly affected by alterations to hydrology resulting from adjacent BDCP covered activities, in particular tidal restoration. *AMM30 Transmission Line Design and Alignment Guidelines* would ensure that ~~temporary~~ transmission lines avoid removal of ~~wetted acres of vernal pools and alkali seasonal wetlands~~wetted acres of aquatic habitats to the maximum extent practicable. The term *wetted acres* refers to an area that would be defined by the three parameter wetland delineation method used by the U.S. Army Corps of Engineers to determine the limits of a wetland, which involve an evaluation of wetland soil, vegetation, and hydrology characteristics. This acreage differs from vernal pool complex acreages in that a vernal pool complex is composed of individual wetlands (vernal pools) and those upland areas that are in between and surrounding them, which provide the supporting hydrology (surface runoff and groundwater input), organic and nutrient inputs, and refuge for the terrestrial phase of some vernal pool species.

A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the permanent and temporary combined loss of approximately ~~33~~ 34 acres of vernal pool crustacean habitat, composed of ~~24~~ 25 acres of high -value and 9 acres of low-value habitat (Table 12-4-12). The construction of the conveyance facilities would result in the permanent loss of one vernal pool fairy shrimp CNDDB occurrence as a result of the expansion of Clifton Court Forebay. In addition, conveyance facility construction could result in the indirect conversion of ~~10~~ 41 acres of ~~modeled~~ high quality vernal pool crustacean habitat in the vicinity of Clifton Court Forebay. The indirect effects would result from the construction of ~~temporary~~ permanent transmission ~~lines and from~~lines, from the storage of RTM, and permanent access roads. ~~The affected areas consist of 8 acres of high-quality habitat and 2 acres of low-quality habitat and T~~there are records of vernal pool fairy shrimp and midvalley fairy shrimp in the vicinity of these areas (California Department of Fish and Game 2012). Alternative 4 would also result in the permanent loss of ~~178~~ 195 acres ~~and temporary impacts on 14 acres~~ of critical habitat for vernal pool fairy shrimp. The permanent impacts on critical habitat are associated with the ~~a~~ RTM disposal areas and an associated access road west of Clifton Court Forebay (~~173~~ 177 acres), a new transmission line (15 acres), and upgrades to a~~a~~ permanent access road just south of this area (~~5~~ 3 acres). The RTM disposal areas have~~s~~ been mapped by the BDCP as mostly cultivated lands with the more eastern portion mapped as grasslands. ~~An~~ E~~e~~xisting ~~farm~~ roads would serve as the permanent access roads, so there likely would be ~~no~~ minimal disturbance to vernal pool crustacean habitat associated with any improvements to this road. ~~The 14 acres of temporary impacts are associated with a temporary transmission line between Byron Highway and Clifton Court Forebay. Approximately half of this area is mapped by the BDCP as vernal pool complex. *AMM12 Vernal Pool Crustaceans* would ensure that there would be no adverse modification of the primary constituent elements of critical habitat for these species.~~ *AMM30 Transmission Line Design and Alignment Guidelines* would ensure that ~~temporary~~ transmission lines are designed to avoid removal of ~~wetted acres of vernal pools and alkali seasonal wetlands.~~aquatic habitats to the maximum extent feasible.

- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration would result in the permanent loss of approximately 372 acres of low-value vernal pool crustacean habitat, which consists of degraded vernal pool complex. The BDCP describes degraded vernal pool complex as areas of low-value ephemeral habitat ranging from areas with vernal pool and swale visual signatures that display clear evidence of significant disturbance due to plowing, disking, or leveling to areas with clearly artificial basins such as shallow agricultural ditches, depressions in fallow fields, and areas of compacted soils in pastures. The actual density of vernal pools or other aquatic features in these areas is unknown, but a 2012 review of Google Earth imagery of these habitats found that they appear to generally have low densities. However, areas mapped as degraded vernal pool complex may still provide habitat for vernal pool crustaceans as evidenced by records of vernal pool fairy shrimp, vernal pool tadpole shrimp, and California linderiella occurring in degraded vernal pool complex in CZ 4 (California Department of Fish and Game 2012). Helm (1998) notes that many vernal pool crustaceans can occur in degraded vernal pool habitats and artificial habitats. In CZ 2 and CZ 4, there are several records of covered vernal pool crustaceans occurring outside of modeled habitat in areas that appear to be road side ditches. So though degraded vernal pool complexes may not represent botanically diverse vernal pools they still can provide habitat for vernal pool crustaceans and thus the loss of 372 acres of degraded vernal pool complex may result in the loss of occupied vernal pool crustacean habitat. In addition, tidal restoration could result in the indirect conversion of 135 acres of vernal pool crustacean habitat, which consist of 90 acres of high-value and 45 acres of low-value habitat. The hypothetical restoration footprints overlap with a CNDDB record for vernal pool fairy shrimp near the current edge of Suisun Marsh. Tidal natural community restoration under Alternative 4 would also result in impacts on critical habitat for Conservancy fairy shrimp (248 acres), vernal pool tadpole shrimp (270 acres), and vernal pool fairy shrimp (270 acres). *AMM12 Vernal Pool Crustaceans* would ensure that there would be no adverse modification of the primary constituent elements of critical habitat for these species.

- *CM11 Natural Communities Enhancement and Management:* As described in the BDCP, restoration/creation of vernal pools to achieve no net loss and the protection of 600 acres of vernal pool complex would benefit vernal pool crustaceans ~~(Table 12-4-12)~~. A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily affect vernal pool crustacean habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on vernal pool crustacean habitat and are expected to result in overall improvements to and maintenance of vernal pool crustacean habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included. Table 12-4-13 was prepared to further analyze BDCP effects on vernal pool crustaceans using wetted acres of habitat in order to compare the effects of this alternative with the effect limits established in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP and *AMM12 Vernal Pool Crustaceans*, which are measured in wetted acres of habitat. Wetted acres were estimated by using the BDCP's assumption that restored vernal pool complexes would have a 15% density of vernal pools (i.e., of 100 acres of vernal pool complex 15 acres would constitute vernal pools and the remaining 85 acres supporting uplands). Based on an informal evaluation of aerial photographs of the Plan Area it is likely that the actual densities within the Plan Area are approximately 10%, but the 15% density value was chosen as a conservative estimate for determining effects.

Table 12-4-13. Estimated Effects on Wetted Vernal Pool Crustacean Habitat under Alternative 4 (acres)

		Direct Loss		Indirect Conversion	
		Near-Term	Late Long-Term	Near-Term	Late Long-Term
BDCP Impact Limit[a]		5	10	10	20
Alternative 4 Impact[b]	CM1[~~c~~]	~~5.0~~5.1	~~5.0~~5.1	~~1.5~~6.2	~~1.5~~6.2
	CM4[c~~d~~]	30.2	55.8	11.0	20.3
Total		**35.3~~2~~**	**60.9~~8~~**	**~~12.5~~17.2**	**~~21.8~~26.5**

[a] Because roughly half of the impacts would occur in the near–term, it is assumed that the impact limit in the near-term would be 5 wetted acres for direct loss and 10 acres for indirect.

[b] These acreages were generated by assuming that the modeled habitat identified in Table 12-4-12 has densities of wetted habitat at 15%. The direct effects numbers include permanent and temporary impacts.

~~[c] The temporary impacts from transmission line construction associated with CM1 would be zero because the commitment in AMM30, which calls for temporary transmission lines to avoid removal of alkali seasonal wetland and vernal pool wetted acres. This would lower CM1 impacts to 2.3 acres.~~

[c~~d~~] These impacts are based on the hypothetical restoration footprints and would likely be lower based on the BDCP's commitment to minimize and avoid effects on vernal pool crustacean habitat as much as practicable. The values for near-term indirect effects were assumed to be slightly more than half of what the late long-term value would be.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA and would be less than significant under CEQA. Table 12-4-~~13~~ 12 lists the impacts on modeled vernal pool crustacean habitat that is based on the natural community mapping done within the study area. The impacts from tidal natural communities restoration (CM4) are based on hypothetical footprints and do not reflect actual impacts on vernal pool crustacean habitat considering the BDCP's commitment to design projects to minimize or avoid effects on covered vernal pool crustaceans (see AMM12 and AMM30). As seen in

Table 12-4-13, Alternative 4 would not meet the Plan's near-term biological goals and objectives for direct loss and indirect conversion unless near-term projects are designed to ensure that they do not exceed these impact limits.

Typical NEPA and CEQA project-level mitigation ratios for loss of vernal pools affected by CM1 would be 1:1 for restoration and 2:1 for protection. Typically, indirect conversion impacts are mitigated by protecting vernal pools at a 2:1 ratio. Using these typical ratios would indicate that 5.1 wetted acres of vernal pool crustacean habitat (or ~~33~~ 34 acres of vernal pool complex) should be restored and ~~13~~ 22.6 wetted acres (or ~~87~~ 1500~~0~~ acres of vernal pool complex) protected to mitigate the CM1 direct and indirect effects on vernal pool crustacean habitat. ~~However, w~~With the implementation of AMM30 the effects on ~~wetted acres of vernal pool crustacean habitat from CM1 would be reduced by approximately 2.7 acres (18 acres of modeled vernal pool crustacean habitat)~~aquatic habitat would be avoided to the maximum extent feasible ~~by redesigning~~during the designing of the ~~temporary~~ transmission line west of Clifton Court Forebay. Assuming that the BDCP would apply the impact limits presented in Table 12-4-13 and implement AMM30, direct impacts on wetted vernal pools resulting from tidal restoration in the near-term ~~could not exceed 2.7 acres of direct effects on wetted vernal pool crustacean habitat~~would have to be avoided and indirect impacts from tidal restoration could not exceed ~~9.5~~3.8 wetted acres of indirect effects (10 acre limit minus the 6.2 acres from CM1). The impacts based on the hypothetical tidal restoration footprints would exceed these limits. When and if these limits are met, the BDCP would need to restore up to 5.1 wetted acres (~~33~~ 34 acres of vernal pool complex) and protect up to 30 wetted acres (2:1 protection for 5.1 acres of direct and 10 acres of indirect impact) (200 acres of vernal pool complex) in the near-term to offset the effects of CM1 and CM4.

The BDCP has committed to near-term goal of protecting 400 acres of vernal pool complex (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS) by protecting at least 2 wetted acres of vernal pools for each wetted acre directly or indirectly affected. The BDCP has also committed to restoring/creating vernal pools such that there is no net loss of vernal pool acreage. The amount of restoration would be determined during implementation based on the following criteria.

- If restoration is completed (i.e., restored natural community meets all success criteria) prior to impacts, then 1.0 wetted acre of vernal pools would be restored for each wetted acre directly affected (1:1 ratio).
- If restoration takes place concurrent with impacts (i.e., restoration construction is completed, but restored habitat has not met all success criteria, prior to impacts occurring), then 1.5 wetted acres of vernal pools would be restored for each wetted acre directly affected (1.5:1 ratio).

The species-specific biological goals and objectives would also inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on vernal pool crustacean habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM12 Vernal Pool*

Crustaceans, AMM30 Transmission Line Design and Alignment Guidelines, and *AMM37 Recreation*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

The BDCP states that covered activities would not result in more than 10 wetted acres of direct loss and no more than 20 wetted acres of indirect conversion effects on vernal pools by the late long-term (see Objective VPNC1.2 and AMM12). As seen in Table 12-4-13 and discussed above, the effects of CM1 alone would be ~~within t~~generally within ~~he~~the near-term limits, but overall Alternative 4 would not meet the Plan's late long-term biological goals and objectives for direct and indirect effects unless tidal restoration projects are designed to ensure that that they do not exceed these impact limits.

The Plan has committed to a late long-term goal of protecting 600 acres of vernal pool complex in either Conservation Zones 1, 8, or 11, primarily in core vernal pool recovery areas (Objective VPNC1.1) by protecting at least 2 wetted acres of vernal pools protected for each wetted acre directly or indirectly affected. The Plan also includes a commitment to restore or create vernal pools such that the Plan results in no net loss of vernal pool acreage (Objective VPNC1.2). The protection and restoration would be achieved using the criteria presented above as well as by following the other specific biological goals and objectives, which include:

- Increasing the size and connectivity of protected vernal pool complexes (Objective VPNC1.3)
- Protecting the range of inundation characteristics that are currently represented by vernal pool throughout the Plan Area (Objective VPNC1.4)
- Protecting one currently unprotected occurrence of conservancy fairy shrimp (Objective VPC1.1)

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration and protection of alkali seasonal wetlands that could overlap with the species model, could result in the restoration of 51 acres and the protection of 608 acres of modeled habitat for vernal pool crustaceans.

NEPA Effects: The near-term loss of vernal pool crustacean habitat under Alternative 4 would not be adverse under NEPA because the BDCP has committed to avoiding and minimizing effects from tidal restoration and to restoring and protecting an acreage that meets or exceeds the typical mitigation ratios described above. In the absence of other conservation actions, the modification of vernal pool crustacean habitat and potential mortality of a special-status species resulting from Alternative 4 in the late long-term would represent an adverse effect. However, the BDCP has committed to impact limits for vernal pool crustacean habitat and to habitat protection, restoration, management, and enhancement associated with CM3, CM9, and CM11. This habitat protection, restoration, management and enhancement would be guided by species-specific goals and objectives, and by AMM1–AMM6, AMM10, AMM12, AMM30, and AMM37, which would be in place throughout the ~~period of construction~~BDCP permit term. Considering these commitments, losses and conversion of vernal pool crustacean habitat under Alternative 4 would not be an adverse effect.

***CEQA Conclusion*:**

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant. Table 12-4-12 above lists the impacts on modeled vernal pool crustacean habitat that is based on the natural community mapping done within the study area. The impacts from tidal natural communities restoration (CM4) are based on hypothetical footprints and do not reflect actual impacts on vernal pool crustacean habitat considering the BDCP's commitment to design restoration projects to minimize or avoid effects on covered vernal pool crustaceans (see AMM12 and AMM30). As seen in Table 12-4-13, Alternative 4 would not meet the Plan's near-term biological goals and objectives for direct and indirect effects unless near-term tidal restoration projects are designed to ensure that they do not exceed these impact limits.

Typical NEPA and CEQA project-level mitigation ratios for loss of vernal pools affected by CM1 would be 1:1 for restoration and 2:1 for protection. Typically, indirect conversion impacts are mitigated by protecting vernal pools at a 2:1 ratio. Using these typical ratios would indicate that 5.1 wetted acres of vernal pool crustacean habitat (or ~~33~~ 34 acres of vernal pool complex) should be restored and ~~13~~ 22.6 wetted acres (or ~~87~~ 151 acres of vernal pool complex) protected to mitigate the CM1 direct and indirect effects on vernal pool crustacean habitat. ~~However, w~~With the implementation of AMM30 the effects on aquatic habitat would be avoided to the maximum extent feasible during the designing of~~wetted acres of vernal pool crustacean habitat from CM1 would be reduced by approximately 2.7 acres (18 acres of modeled vernal pool crustacean habitat) by redesigning the temporary~~ the transmission line west of Clifton Court Forebay. Assuming that the BDCP would apply the impact limits presented in Table 12-4-13 and implement AMM30, direct impacts on wetted vernal pools resulting from tidal restoration in the near-term ~~could not exceed 2.7 acres of direct effects on wetted vernal pool acreage~~would have to be avoided and indirect impacts could not exceed ~~9.5~~3.8 wetted acres of indirect effects. The impacts based on the hypothetical tidal restoration footprints would exceed these limits. When and if these limits are met, the BDCP would need to restore up to 5.1 wetted acres (~~33~~ 34 acres of vernal pool complex) and protect up to 30 wetted acres (200 acres of vernal pool complex) in the near-term to offset the effects of CM1 and CM4.

The BDCP has committed to near-term goal of protecting 400 acres of vernal pool complex (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS) by protecting at least 2 wetted acres of vernal pools for each wetted acre directly or indirectly affected. The BDCP has also committed to restoring/creating vernal pools such that there is no net loss of vernal pool acreage. The amount of restoration would be determined during implementation based on the following criteria.

- If restoration is completed (i.e., restored natural community meets all success criteria) prior to impacts, then 1.0 wetted acre of vernal pools would be restored for each wetted acre directly affected (1:1 ratio).
- If restoration takes place concurrent with impacts (i.e., restoration construction is completed, but restored habitat has not met all success criteria, prior to impacts occurring), then 1.5 wetted acres of vernal pools would be restored for each wetted acre directly affected (1.5:1 ratio).

The species-specific biological goals and objectives would also inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on vernal pool crustacean habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM12 Vernal Pool Crustaceans, AMM30 Transmission Line Design and Alignment Guidelines,* and *AMM37 Recreation*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

The natural community restoration and protection activities are expected to be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts on constitute adequate mitigation for CEQA purposes. These commitments, implemented together with the AMMs and biological goals and objectives, are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

The BDCP states that covered activities would not result in more than 10 wetted acres of direct loss and no more than 20 wetted acres of indirect conversion effects on vernal pools by the late long-term (see Objective VPNC1.2 and AMM12). As seen in Table 12-4-13, the effects of CM1 alone would ~~be~~ be generally within the ~~well within the~~ near-term limits, but overall Alternative 4 would not meet the Plan's late long-term biological goals and objectives for direct and indirect effects unless ~~near-term~~ tidal restoration projects are designed to ensure that that they do not exceed these impact limits.

The Plan has committed to late long-term goal of protecting 600 acres of vernal pool complex in either Conservation Zones 1, 8, or 11, primarily in core vernal pool recovery areas (Objective VPNC1.1) by protecting at least 2 wetted acres of vernal pools protected for each wetted acre directly or indirectly affected. The Plan also includes a commitment to restore or create vernal pools such that the Plan results in no net loss of vernal pool acreage (Objective VPNC1.2). The protection and restoration would be achieved using the criteria presented above as well as by following the other specific biological goals and objectives, which include:

- Increasing the size and connectivity of protected vernal pool complexes (Objective VPNC1.3)
- Protecting the range of inundation characteristics that are currently represented by vernal pool throughout the Plan Area (Objective VPNC1.4)
- Protecting one currently unprotected occurrence of conservancy fairy shrimp (Objective VPC1.1)

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration and protection of alkali seasonal wetlands that could overlap with the species model, could result in the restoration of 51 acres and the protection of 608 acres of modeled habitat for vernal pool crustaceans.

The effects on vernal pool crustacean habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality in the absence of other conservation actions. However, the BDCP has committed to impact limits for vernal pool crustacean habitat and to habitat protection, restoration, management and enhancement associated with CM3, CM9, and CM11. These conservation activities would be guided by species-specific goals and objectives, and by AMM1–AMM6, AMM10,AMM12, AMM30, and AMM37, which would be in place throughout the time ~~period of construction~~BDCP permit term. Considering these commitments, Alternative 4 over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of vernal pool crustaceans. Therefore, Alternative 4 would have a less-than-significant impact on vernal pool crustaceans.

Impact BIO-33: Indirect Effects of Plan Implementation on Vernal Pool Crustaceans

Construction and maintenance activities associated with water conveyance facilities, and restoration actions could indirectly affect vernal pool crustaceans and their habitat in the vicinity of construction and restoration areas, and maintenance activities. These potential effects would be minimized or avoided through AMM1–AMM6, AMM10, and AMM12, which would be in effect throughout the ~~Plan's construction phase~~BDCP permit term.

NEPA Effects: Water conveyance facilities construction and restoration activities could indirectly affect vernal pool crustaceans and their habitat in the vicinity of construction areas. Ground-disturbing activities, stockpiling of soils, and maintenance and refueling of heavy equipment could result in the inadvertent release of sediment and hazardous substances into this habitat. These potential effects would be avoided and minimized through AMM1–AMM6, which would be in effect throughout the ~~Plan's construction phase~~BDCP permit term. Vernal pool crustaceans and their habitat could be periodically indirectly affected by maintenance activities at water conveyance facilities. Embankment maintenance activities around Clifton Court Forebay could result in the inadvertent discharge of sediments and hazardous materials into vernal pool crustacean habitat that occurs along the southern and western boundaries of the forebays. These potential effects would be avoided and minimized through AMM1–AMM6, which would be in effect throughout the ~~term of the Plan~~BDCP permit term. The indirect effects of Alternative 4 on vernal pool crustacean habitat would not be adverse under NEPA.

CEQA Conclusion: Construction and maintenance activities associated with water conveyance facilities, and restoration actions could indirectly impact vernal pool crustaceans and their habitat in the vicinity of construction and restoration areas, and maintenance activities. These potential impacts would be minimized or avoided through AMM1–AMM6, AMM10, and AMM12, which would be in effect throughout the ~~construction phase~~BDCP permit term. The indirect impacts of Alternative 4 would be less than significant under CEQA.

Impact BIO-34: Periodic Effects of Inundation of Vernal Pool Crustacean Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass under *CM2 Yolo Bypass Fisheries Enhancement* would periodically affect 0 to 4 acres of modeled vernal pool crustacean habitat (Table 12-4-12). There would be no periodic effects from *CM5 Seasonally Inundated Floodplain Restoration.*

NEPA Effects**:** ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP describes the methods used to estimate periodic inundation effects in the Yolo Bypass. Based on this method, periodic inundation could affect vernal pool crustaceans occupying areas ranging from 0 acres of habitat during most notch flows to an estimated 4 acres during a notch flow of 6,000 cfs. BDCP-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, because Fremont Weir is expected to overtop the remaining 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. In more than half of all years under Existing Conditions, an area greater than the BDCP-related inundation area already inundates in the bypass. Yolo Bypass flooding is expected to have a minimal effect on vernal pool crustaceans and would thus not be adverse under NEPA.

CEQA Conclusion**:** Alternative 4 would periodically inundate at most 4 acres of vernal pool crustacean habitat during the maximum flows over the Fremont Weir. The periodic inundation is not anticipated to result in a conversion of vernal pool crustacean habitat into different wetland habitat. BDCP-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, because Fremont Weir is expected to overtop the remaining 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. In more than half of all years under Existing Conditions, an area greater than the BDCP-related inundation area already inundates in the bypass. Yolo Bypass flooding is expected to have a minimal effect on vernal pool crustaceans and would thus result in less-than-significant impacts on the species.

Valley Elderberry Longhorn Beetle

The habitat model used to assess the effects for valley elderberry longhorn beetle is based on riparian habitat and nonriparian habitat (vernal pool complexes and grasslands within 200 feet of channels). Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of valley elderberry longhorn beetle modeled habitat as indicated in Table 12-4-14. The majority of the losses would take place over an extended period of time as the restoration conservation measures are being implemented. In addition, an estimated 10~~7~~ elderberry shrubs that were previously mapped by DWR in the DHCCP Conveyance Planning Area could be impacted by the Alternative 4 conveyance alignment (CM1). Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit valley elderberry longhorn beetle (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Mitigate impacts on elderberry shrubs consistent with USFWS conservation guidelines for the species (Objective VELB1.1).
- Site elderberry longhorn beetle habitat restoration adjacent to occupied habitat (Objective VELB1.2).
- Restore 5,000 acres of valley/foothill riparian (Objective VFRNC1.1, associated with CM7).

- Protect 750 acres of valley/foothill riparian (Objective VFRNC1.2, associated with CM3).
- Maintain or increase the abundance and distribution of rare or uncommon vegetation alliances, such as *Sambuca nigra* (blue elderberry stands) alliance (Objective VFRNC3.1, associated with CM7 and CM11).

As explained below, with the restoration or protection of these amounts of habitat, impacts on valley elderberry longhorn beetle would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-14. Changes in Valley Elderberry Longhorn Beetle Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Riparian	~~34~~42	~~34~~42	~~30~~31	~~30~~31	NA	NA
	Non-riparian	~~227~~211	~~227~~211	~~62~~86	~~62~~86	NA	NA
Total Impacts CM1		**~~261~~253**	**~~261~~253**	**~~92~~117**	**~~92~~117**	**NA**	**NA**
CM2–CM18	Riparian	381	678	76	111	44–80	266
	Non-riparian	142	311	94	108	103–244	287
Total Impacts CM2–CM18		**523**	**989**	**170**	**219**	**161–325**	**553**
TOTAL IMPACTS		**~~784~~776**	**~~1,250~~1,242**	**~~262~~287**	**~~311~~336**	**161–325**	**553**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-35: Loss of Valley Elderberry Longhorn Beetle Habitat

Alternative 4 conservation measures would result in the permanent and temporary loss combined of up to ~~1,561~~1,578 acres of modeled valley elderberry longhorn beetle habitat (~~853~~ 862 acres of riparian habitat and ~~708~~ 716 acres of nonriparian habitat), and an estimated ~~7~~ 10 elderberry shrubs from CM1, which represent potential habitat for the species (Table 12-4-14). Due to the limitation of the habitat suitability model, all of these effects are assumed to be a large overestimate of the true effect on potential valley elderberry longhorn beetle habitat. Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of borrow and spoil areas (CM1), Fremont Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), and floodplain restoration (CM5). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate valley elderberry longhorn beetle habitat. Timely implementation of the near-term habitat protection and restoration contained in the Plan and implementation of AMMs committed to in the Plan would result in no adverse effects under NEPA and less-than-significant impacts under CEQA. Each of these activities is described below.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the permanent and temporary combined loss of approximately ~~353~~ 370 acres of modeled valley elderberry longhorn beetle habitat, composed of ~~64~~ 73 acres of riparian habitat and ~~289~~ 297 acres of nonriparian habitat (Table 12-4-14). In addition, an estimated ~~7~~ 10 shrubs could be removed as a result of conveyance facilities construction. As noted in Section 12.3.2.3 *Methods Used to Assess Species Effects*, elderberry shrubs were mapped in the DHCCP Conveyance Planning Area where accessible and thus the entire footprint of CM1 was not surveyed. In many cases, the data collected did not always specify the number of shrubs observed but rather the size class and a range of stem numbers. The exact number of shrubs to be impacted would be determined during pre-construction surveys of the footprints of the conveyance facility and associated work areas as part of the implementation of *AMM15 Valley Elderberry Longhorn Beetle*. Most of these impacts are associated with the intake and forebay construction in the north delta. There are no records of valley elderberry longhorn beetle within these impact areas. The portion of the above impacts that result from temporary habitat loss includes ~~92~~ 117 acres of modeled valley elderberry longhorn beetle habitat (~~30~~ 31 acres riparian and ~~62~~ 86 acres nonriparian habitat). Elderberry shrubs could be affected from ground-disturbing activities associated with conveyance construction footprints, reusable tunnel material storage areas, geotechnical boring areas, temporary access roads, and staging areas.
- *CM2 Yolo Bypass Fisheries Enhancement*: Construction activity associated with fisheries improvements in the Yolo Bypass would result in the permanent and temporary removal of approximately 295 acres of modeled valley elderberry longhorn beetle habitat, composed of 159 acres of riparian habitat and 136 acres of nonriparian habitat. Approximately 125 acres of permanent impacts (83 acres of riparian and 41 acres of nonriparian) would mostly occur at the north end of the Yolo Bypass from Fremont Weir improvements. The 170 acres of temporary impacts (76 acres of riparian and 94 acres of nonriparian) would mostly be from work on the Fremont Weir, the Sacramento Weir, and levees along the Bypass. Elderberry shrubs could be affected from ground-disturbing activities associated with the re-contouring of surface topography, excavation or modification of channels, levee modification, and removal of riprap and other protections from channel banks.
- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration would result in the permanent loss of approximately 813 acres of modeled valley elderberry longhorn beetle habitat, composed of 552 acres of riparian and 260 acres of nonriparian habitat. The majority of these impacts would be associated with tidal restoration in the Delta and only 42 acres of these impacts (all nonriparian) would be from tidal restoration in Suisun Marsh. Elderberry shrubs could be affected from ground-disturbing activities associated with the re-contouring of surface topography, excavation or modification of channels, type conversion from riparian and grasslands to tidal habitat, levee removal and modification, and removal of riprap and other protections from channel banks.
- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration in the south Delta (CZ 7) would result in the permanent and temporary removal of

approximately 101 acres of valley elderberry longhorn beetle habitat, composed of 78 acres of riparian and 23 acres of nonriparian. Approximately half of these impacts (52 acres) would be permanent impacts from levee construction and the other half (49 acres) would be temporary impacts associated with the levee construction. There is one CNDDB record of valley elderberry longhorn beetle occurring in CZ 7 just west of Middle River on Union Island. This record and other elderberry shrubs could be affected from ground-disturbing activities associated with the re-contouring of surface topography, excavation or modification of channels, levee removal and modification, and removal of riprap and other protections from channel banks.

- *CM11 Natural Communities Enhancement and Management*: Activities associated with natural communities enhancement and management, such as grazing practices and ground disturbance or herbicide use in the control of nonnative vegetation, intended to maintain and improve habitat functions of BDCP protected habitats for covered species could result in loss of elderberry shrubs and the potential for injury or mortality to beetles. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below.
- Operations and maintenance: Post-construction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect valley elderberry beetle. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas could affect elderberry shrubs occupied by the species. These effects, however, would be reduced by AMMs listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA and would be less than significant under CEQA. Alternative 4 would result in permanent and temporary impacts on ~~1,046~~1,063 acres of modeled habitat (~~521~~ 530 acres of riparian and ~~525~~ 533 acres of nonriparian) for valley elderberry longhorn beetle in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~64~~ 73 acres of riparian and ~~289~~ 297 acres of nonriparian), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2] and tidal restoration [CM4], 693 acres of modeled habitat). ~~The other conservation measures~~These conservation measures (CM2 and CM4) account for 457 of the ~~521~~ 530 acres (~~88~~86%) of impacts on riparian habitat. Based on the DHCCP survey data of the Conveyance Planning Area (see Appendix 12C of the Draft EIR/EIS), an estimated ~~seven~~ ten elderberry shrubs would be impacted in the near-term by CM1 (see Section 12.3.2.3 for a discussion on the methods used to make this estimate).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified as habitat for valley elderberry longhorn beetle in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection for riparian habitat. Using these typical ratios would indicate that ~~64~~ 73 acres of the riparian habitat should be restored/created and ~~64~~ 73 acres of existing riparian should be protected to mitigate the

CM1 losses of valley elderberry longhorn beetle habitat. The near-term effects of other conservation actions would require 457 acres of riparian restoration and 457 acres of riparian protection using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres of riparian and restoring 800 acres of riparian habitat in the Plan Area. These conservation actions would occur in the same timeframe as the construction and ~~early restoration losses~~ losses from other conservation measures, thereby minimizing adverse effects on valley elderberry longhorn beetle. In addition, BDCP Objectives VELB 1.1 and 1.2, which call for implementing the USFWS (1999) conservation guidelines for valley elderberry longhorn beetle (transplanting elderberry shrubs and planting elderberry seedlings and associated natives) and siting elderberry restoration within drainages immediately adjacent to or in the vicinity of sites confirmed to be occupied by valley elderberry longhorn beetle. These objectives would be met through the implementation of CM7 *Riparian Natural Community Restoration*. CM7 *Riparian Natural Community Restoration* specifically calls for the planting of elderberry shrubs in large, contiguous clusters with a mosaic of associated natives as part of riparian restoration consistent with USFWS (1999) conservation guidelines. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals and the additional species specific measures within CM7 satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigating the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM15 Valley Elderberry Longhorn Beetle*. AMM15 requires surveys for elderberry shrubs within 100 feet of any ground disturbing activities, the implementation of avoidance and minimize measures for any shrubs that are identified within this 100-foot buffer, and transplanting shrubs that can't be avoided. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and RTM storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 34,456 acres of modeled habitat (17,786 acres of riparian and 16,670 acres of nonriparian) for valley elderberry longhorn beetle. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~1,561~~1,578 acres of modeled valley elderberry longhorn beetle habitat (~~853~~ 862 acres of riparian habitat and ~~708~~ 716 acres of nonriparian habitat)during the ~~term of the Plan~~BDCP permit term (5% of the modeled habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. These losses would not fragment any known populations of valley elderberry longhorn beetle. The Plan includes a commitment to protect 750 acres of riparian habitat and restoring/creating 5,000 acres of riparian habitat in the Plan Area. According to Objective VELB1.2, the restoration of elderberry longhorn beetle habitat would occur adjacent to occupied habitat, which would provide connectivity between occupied and restored habitats and improve the species' ability to disperse within and outside the Plan Area. Other factors relevant to effects on valley elderberry longhorn beetle include:

- Habitat loss is widely dispersed throughout the study area and would not be concentrated in any one location.
- There would be a temporal loss of riparian habitat during the near-term evaluation period because most of the affected riparian vegetation would be removed during the near-term timeframe, while large quantities of riparian habitat would not be restored until the early and late long-term timeframes. Effects on valley elderberry longhorn beetle of this temporal loss of riparian vegetation are expected to be minimal because much of the riparian habitat in the Plan Area is not known to be currently occupied by the species, because all elderberry shrubs that are suitable for transplantation would be moved to conservation areas in the Plan Area, and because most of the affected community is composed of small patches of riparian scrub and herbaceous vegetation that are fragmented and distributed across the agricultural landscape of the Plan Area and thus are likely to provide no or low-value habitat for the beetle.
- Temporarily disturbed areas would be restored within 1 year following completion of construction and management activities. Under AMM10, a restoration and monitoring plan would be developed prior to initiating any construction-related activities associated with the conservation measures or other covered activities that would result in temporary effects on natural communities.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as other actions that overlap with the nonriparian portions of the species model, could result in the restoration of 4,857 acres (riparian) and the protection of 2,363 acres (729 acres of riparian and 1,634 acres of nonriparian channels and grassland) of modeled habitat for valley elderberry longhorn beetle.

***NEPA Effects*:** The near-term loss of valley elderberry longhorn beetle habitat under Alternative 4 would not be adverse because the BDCP has committed to restoring and protecting an acreage that exceeds the typical mitigation ratios described above, in addition to avoiding impacts on shrubs and transplanting those that can't be avoided. In the absence of other conservation actions, the losses of valley elderberry longhorn beetle habitat and potential for direct mortality of a special-status species associated with Alternative 4 in the late long-term would represent an adverse effect. However, with habitat protection and restoration associated with CM7, guided by species-specific goals and objectives and by AMM1–AMM6, AMM10, and AMM15, which would be in place throughout the ~~construction period~~BDCP permit term, the effects of Alternative 4 as a whole on valley elderberry longhorn beetle would not be adverse under NEPA.

***CEQA Conclusion*:**

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant. Alternative 4 would result in permanent and temporary impacts on ~~1,046~~1,063 acres of modeled habitat (~~521~~ 530 acres of riparian and ~~525~~ 533 acres of nonriparian) for valley elderberry longhorn beetle in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~64~~ 73 acres of riparian and ~~289~~ 297 acres of nonriparian), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2] and tidal restoration [CM4], 693 acres of modeled habitat). Based on the DHCCP survey data of the Conveyance Planning Area, an estimated ~~seven~~ ten elderberry shrubs would be impacted in the near-term (see Section 12.3.2.3 for a discussion on the methods used to make this estimate).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for valley elderberry longhorn beetle in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection for riparian habitat. Using these typical ratios would indicate that ~~64~~ 73 acres of the riparian habitat should be restored/created and ~~64~~ 73 acres of existing riparian should be protected to mitigate the CM1 losses of valley elderberry longhorn beetle habitat. The near-term effects of other conservation actions would require 457 acres of riparian restoration and 457 acres of riparian protection using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres of riparian and restoring 800 acres of riparian habitat in the Plan Area. These conservation actions would occur in the same timeframe as the construction and early restoration losses, thereby minimizing adverse effects on valley elderberry longhorn beetle. In addition, BDCP Objectives VELB 1.1 and 1.2, which call for implementing the USFWS (1999) conservation guidelines for valley elderberry longhorn beetle (transplanting elderberry shrubs and planting elderberry seedlings and associated natives) and siting elderberry restoration within drainages immediately adjacent to or in the vicinity of sites confirmed to be occupied by valley elderberry longhorn beetle. These objectives would be met through the implementation of *CM7 Riparian Natural Community Restoration*. CM7 specifically calls for the planting of elderberry shrubs in large, contiguous clusters with a mosaic of associated natives as part of riparian restoration consistent with USFWS (1999) conservation guidelines.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM15 Valley Elderberry Longhorn Beetle*. AMM15 requires surveys for elderberry shrubs within 100 feet of any ground disturbing activities, the implementation avoidance and minimize measures for any shrubs that are identified within this 100-foot buffer, and transplanting shrubs that can't be avoided. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and RTM storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

The natural community restoration and protection activities are expected to be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes. These commitments, implemented together with the AMMs, are more than sufficient to support the conclusion that the near-term impacts of Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~1,561~~1,578 acres of modeled valley elderberry longhorn beetle habitat (~~853~~ 862 acres of riparian habitat and ~~708~~ 716 acres of nonriparian habitat)during the ~~term of the Plan~~BDCP permit term (5% of the modeled habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes a commitment to protect 750 acres of riparian habitat and restore or create 5,000 acres of riparian habitat in the Plan Area. According to Objective VELB1.2, the restoration of elderberry longhorn beetle habitat would occur adjacent to occupied habitat, which would provide connectivity between occupied and restored habitats and improve the species' ability to disperse within and outside the Plan Area. The BDCP also includes a number of AMMs (AMM1–AMM6, AMM10, and AMM15) directed at minimizing or avoiding potential impacts on valley elderberry longhorn beetle. The large acreages of conservation would adequately compensate for the modeled habitats lost to construction and restoration activities.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as others actions that overlap with the nonriparian portions of the species model, could result in the restoration of 4,857 acres (riparian) and the protection of 2,363 acres (729 acres of riparian and 1,634 acres of nonriparian channels and grassland) of modeled habitat for valley elderberry longhorn beetle.

Considering these protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, implementation of Alternative 4 as a whole would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on valley elderberry longhorn beetle.

Impact BIO-36: Indirect Effects on Valley Elderberry Longhorn Beetle and its Habitat

Construction activities associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operation and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic post-construction disturbances with localized impacts on valley elderberry longhorn beetle over the term of the BDCP. Construction related effects could result from ground-disturbing activities, stockpiling of soils, and maintenance and refueling of heavy equipment could result in dust and the inadvertent release of hazardous substances in areas where elderberry shrubs occur. A GIS analysis (see Section 12.3.2.3 for a discussion on the methods used to make this estimate) estimates that approximately ~~45~~ 34 shrubs could be indirectly affected by conveyance facilities construction (CM1). Restoration activities could result in excavation or modification of channels, type conversion from riparian and grasslands to tidal habitat, levee removal and modification, and removal of riprap and other protections from channel banks that occur within 100 feet of an elderberry shrubs. These potential effects would be minimized or avoided through AMM1–AMM6, AMM10, and AMM15, which would be in effect throughout the ~~Plan's construction phase~~BDCP permit term.

NEPA Effects: The indirect effects on valley elderberry longhorn beetle as a result of implementing Alternative 4 conservation actions would not have an adverse effect on valley elderberry longhorn beetle.

CEQA Conclusion: Ground-disturbing activities, stockpiling of soils, and the potential release of dust and hazardous substances would accompany construction of the water conveyance facilities. An estimated ~~45~~ 34 shrubs could be indirectly affected by conveyance facilities construction (CM1). In addition, ground-disturbing activities associated with the re-contouring of surface topography, excavation or modification of channels, type conversion from riparian and grasslands to tidal habitat, levee removal and modification, and removal of riprap and other protections from channel banks could indirectly affected elderberry shrubs that occur within 100 feet of these restoration activities. With the implementation of AMM1–AMM6, AMM10, and AMM15 as part of Alternative 4 construction, operation, and maintenance, the BDCP would avoid the potential for substantial adverse indirect effects on valley elderberry longhorn beetle in that the Plan would not result in a substantial reduction in numbers or a restriction in the range of valley elderberry longhorn beetle. Therefore, the indirect effects under this alternative would have a less-than-significant impact on valley elderberry longhorn beetle.

Impact BIO-37: Periodic Effects of Inundation of Valley Elderberry Longhorn Beetle Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from *CM2 Yolo Bypass Fisheries Enhancement* would periodically affect 161 to 325 acres of modeled valley elderberry longhorn beetle habitat (Table 12-4-14).

CM5 Seasonally Inundated Floodplain Restoration would periodically inundate 553 acres of modeled valley elderberry longhorn beetle habitat (Table 12-4-14).

It is unknown at this time how much of the modeled habitat that would be inundated as a result of CM2 and CM5 actually contains elderberry shrubs. Elderberry shrubs have been found to be intolerant of long periods of inundation and there is evidence that they die very quickly after even short periods of flooding (River Partners 2008). During monitoring of a restoration project at the San Joaquin River National Wildlife Refuge, River Partners found that nearly all (99 to 100%) of the four year old elderberry shrubs in restoration plots died after 15–17 weeks of inundation, and River Partners noted in general that the shrubs died very quickly after even short periods of flooding (River Partners 2008). Talley et al (2006) in their report assisting the USFWS 5-year review of the species, note that elderberry shrubs respond negatively to saturated soil conditions and that they can only tolerate temporary root crown inundation. Therefore, in the areas that would be periodically inundated by the implementation of CM2 it is likely that there are few, if any, mature shrubs in these areas because under current conditions they would be inundated in about 50% of all years for approximately 7 weeks. The areas affected by CM5 are not currently inundated and thus elderberry shrubs could be present in these areas.

The periodic effects on modeled habitat for valley elderberry longhorn beetle associated with implementing Alternative 4 could adversely affect valley elderberry longhorn beetle habitat (elderberry shrubs) and make modeled habitat there unsuitable for future elderberry establishment. Based on the information presented above, the current conditions in those areas that would be periodically inundated in Yolo Bypass (CM2) are not likely very suitable for elderberry shrubs and, thus, CM2 would likely have minimal effects, if any, on the species. The modeled habitat that would be periodically inundated from the implementation of CM5 could result in adverse effects on valley elderberry longhorn beetle.

NEPA Effects: Periodic effects of the inundation of valley elderberry longhorn beetle habitat as a result of implementing Alternative 4 conservation actions would not be adverse under NEPA when taking into consideration CM7 habitat protection and restoration. This habitat protection and restoration would be guided by species-specific goals and objectives, and by AMM1–AMM6, AMM10, and AMM15, which would be in place throughout the time period that periodic effects would occur.

CEQA Conclusion: Alternative 4 (CM2 and CM5) would have periodic impacts on modeled valley elderberry longhorn beetle habitat. The periodic inundation of between 161 and 325 acres (CM2) and 553 acres (CM5) of modeled habitat could result in the death of elderberry shrubs that may occur there and thus potentially impact valley elderberry longhorn beetle. The Plan includes the restoration of 5,000 acres of riparian habitat (Objective VFRNC1.1) and the protection of 750 acres riparian habitat (VFRNC1.2) would include areas for elderberry restoration and protection. The BDCP also includes AMM1–AMM6, AMM10, and AMM15, which would minimize and avoid impacts on valley elderberry longhorn beetle prior to Yolo Bypass fisheries enhancement and floodplain restoration activities. AMM15, which includes a measure for following the USFWS (1999) conservation guidelines for valley elderberry longhorn beetle, would be used to identify shrubs for transplanting to conservation areas that otherwise could be adversely affected by periodic inundation in Yolo Bypass and floodplain restoration areas. These conservation actions would compensate for the periodic impacts on valley elderberry longhorn beetle.

Considering these protection and restoration provisions and avoidance and minimization measures, implementation of Alternative 4 as a whole would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, periodic effects of inundation resulting from Alternative 4 would have a less-than-significant impact on valley elderberry longhorn beetle.

Nonlisted Vernal Pool Invertebrates

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on nonlisted vernal pool invertebrates that are not covered by the Plan (Blennosperma vernal pool andrenid bee, hairy water flea, Ricksecker's water scavenger beetle, curved-foot hygrotus beetle, molestan blister beetle). Little is known about the range of these species so it is assumed that they have potential to occur in the same areas described by the vernal pool crustacean modeled habitat. That habitat model consists of: vernal pool complex, which consists of vernal pools and uplands that display characteristic vernal pool and swale visual signatures that have not been significantly affected by agricultural or development practices; alkali seasonal wetlands in CZ 8; and degraded vernal pool complex, which consists of low-value ephemeral habitat ranging from areas with vernal pool and swale visual signatures that display clear evidence of significant disturbance due to plowing, disking, or leveling to areas with clearly artificial basins such as shallow agricultural ditches, depressions in fallow fields, and areas of compacted soils in pastures. For the purpose of the effects analysis, vernal pool complex is categorized as high-value and degraded vernal pool complex is categorized as low-value for these species. Alkali seasonal wetlands in CZ 8 were also included as high-value habitat for vernal pool crustaceans in the model. Also included as low-value for vernal pool habitat are areas along the eastern boundary of CZ 11 that are mapped as vernal pool complex because they flood seasonally and support typical vernal pool plants, but do not include topographic depressions that are characteristic of vernal pools.

Construction and restoration associated with Alternative 4 conservation measures would result in permanent losses of habitat for nonlisted vernal pool invertebrates as indicated in Table 12-4-15 and indirect conversions of vernal pool habitat. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the Plan Area. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP that would benefit nonlisted vernal pool invertebrates (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Protect 600 acres of vernal pool complex in CZ 1, CZ 8, or CZ 11, primarily in core vernal pool recovery areas (ObjectiveVPNC1.1, associated with CM3).

- Restore vernal pool complex in CZ 1, CZ 8, and CZ 11 to achieve no net loss of vernal pool acreage (up to 67 acres of vernal pool complex restoration [10 wetted acres])(Objective VPNC1.2, associated with CM9).
- Increase size and connectivity of protected vernal pool complexes in plan area and increase connectivity with complexes outside the Plan Area (ObjectiveVPNC1.3)
- Protect the range of inundation characteristics of vernal pools in the Plan Area (Objective VPNC1.4)
- Maintain and enhance vernal pool complexes to provide appropriate inundation (ponding) for supporting and sustaining vernal pool species (Objective VPNC2.1)

As explained below, with the restoration or protection of these amounts of habitat, impacts on nonlisted vernal pool invertebrates would not be adverse for NEPA purposes and would be less-than significant for CEQA purposes.

Table 12-4-15. Changes in Nonlisted Vernal Pool Invertebrate Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1[g]	High-value (vernal pool complex)	~~8~~24	~~8~~24	~~16~~1	~~16~~1	NA	NA
	Low-value (degraded vernal pool complex)	7	7	2	2	NA	NA
Total Impacts CM1		**~~15~~31**	**~~15~~31**	**~~18~~3**	**~~18~~3**	**NA**	**NA**
CM2–CM18[g]	High-value (vernal pool complex)	0	0	0	0	0–4	0
	Low-value (degraded vernal pool complex)	201	372	0	0	0	0
Total Impacts CM2–CM18		**201**	**372**	**0**	**0**	**0–4**	**0**
TOTAL IMPACTS		**~~216~~232**	**~~387~~403**	**~~18~~3**	**~~18~~3**	**0–4**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-38: Loss or Conversion of Habitat for and Direct Mortality of Nonlisted Vernal Pool Invertebrates

Alternative 4 conservation measures would result in the direct, permanent loss of up to ~~387~~ 403 acres of vernal pool habitat from conveyance facilities construction (CM1) and the hypothetical footprints for tidal natural communities restoration (CM4). In addition, the conservation measures could result in the indirect conversion due to hydrologic alteration of an additional ~~145~~ 176 acres of vernal pool habitat (~~98~~ 131 acres of high-value habitat and ~~47~~ 45 acres of low-value habitat) from conveyance facilities construction (CM1) and based on the hypothetical footprints for tidal restoration (CM4). Construction of the water conveyance facilities and restoration activities may result in the modification of hardpan and changes to the perched water table, which could lead to alterations in the rate, extent, and duration of inundation of nearby vernal pool habitat. USFWS typically considers construction within 250 feet of vernal pools to constitute an indirect effect unless more detailed information is provided to further refine the limits of any such effects. For the purposes of this analysis, the 250-foot buffer was applied to the water conveyance facilities work areas where surface and subsurface disturbance activities would take place and to restoration hypothetical footprints. Habitat enhancement and management activities (CM11), which include disturbance or removal of nonnative vegetation, could result in local adverse habitat effects.

Because the estimates of habitat loss resulting from tidal inundation are based on projections of where restoration may occur, actual effects are expected to be lower because sites would be selected and restoration projects designed to minimize or avoid effects on the vernal pools. As specified in the BDCP, the BDCP Implementation Office would ensure that tidal restoration projects and other covered activities would be designed such that no more than a total of 10 wetted acres of vernal pools are permanently lost. *AMM12 Vernal Pool Crustaceans* would ensure that no more than 20 wetted acres of vernal pool habitat are indirectly affected by alterations to hydrology resulting from adjacent BDCP covered activities, in particular tidal restoration. The term *wetted acres* refers to an area that would be defined by the three parameter wetland delineation method used by the U.S. Army Corps of Engineers to determine the limits of a wetland, which involves an evaluation of wetland soil, vegetation, and hydrology characteristics. This acreage differs from vernal pool complex acreages in that a vernal pool complex is composed of individual wetlands (vernal pools) and those upland areas that are in between and surrounding them, which provide the supporting hydrology (surface runoff and groundwater input), organic and nutrient inputs, and refuge for the terrestrial phase of some vernal pool species.

A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the permanent and temporary combined loss of approximately ~~33~~ 34 acres of vernal pool habitat, composed of ~~24~~ 25 acres of high-value and 9 acres of low-value habitat (Table 12-4-15). In addition, the conveyance facilities could result in the indirect conversion of ~~10~~ 41 acres of vernal pool habitat in the vicinity of Clifton Court Forebay. The indirect effects would result from the construction of ~~temporary~~ permanent transmission ~~lines and from~~lines, from the storage of reusable tunnel material, and permanent access roads. *AMM30 Transmission Line Design and Alignment Guidelines* would ensure that temporary transmission lines are designed to avoid removal wetted acres of aquatic habitats to the maximum extent practicable~~of wetted acres of vernal pools and alkali seasonal wetlands~~. There are no records of these nonlisted vernal pool invertebrates at this location (California Department of Fish and Game 2012).

- *CM4 Tidal Natural Communities Restoration:* Tidal natural communities restoration would result in the permanent loss of approximately 372 acres of low-value vernal pool habitat, which consists of degraded vernal pool complex. The BDCP describes degraded vernal pool complex as areas of low-value ephemeral habitat ranging from areas with vernal pool and swale visual signatures that display clear evidence of significant disturbance due to plowing, disking, or leveling to areas with clearly artificial basins such as shallow agricultural ditches, depressions in fallow fields, and areas of compacted soils in pastures. The actual density of vernal pools or other aquatic features in these areas is unknown but a 2012 review of Google Earth imagery of these habitats found that they appear to generally have low densities. However, areas mapped as degraded vernal pool complex may still provide habitat for vernal pool species as evidenced by records of vernal pool fairy shrimp, vernal pool tadpole shrimp, and California linderiella occurring in degraded vernal pool complex in CZ 4 (California Department of Fish and Game 2012). So though degraded vernal pool complexes may not represent botanically diverse vernal pools they still can provide habitat for vernal pool invertebrates and thus the loss of 372 acres of degraded vernal pool complex may result in the loss of occupied vernal pool invertebrate habitat. In addition, tidal restoration could result in the indirect conversion of 135 acres of vernal pool habitat, which consist of 90 acres of high-value and 45 acres of low-value habitat. No records of nonlisted vernal pool invertebrates would be directly impacted.
- *CM11 Natural Communities Enhancement and Management*: As described in the BDCP, restoration/creation of vernal pools to achieve no net loss and the protection of 600 acres of vernal pool complex would benefit vernal pool invertebrates~~ (Table 12-4-15)~~. A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily affect vernal pool invertebrate habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on vernal pool invertebrate habitat and are expected to result in overall improvements to and maintenance of vernal pool habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included. Table 12-4-16 was prepared to further analyze BDCP effects on nonlisted vernal pool invertebrates using wetted acres of habitat in order to compare the effects of this alternative with the effect limits established in ~~BDCP~~ Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP and AMM12, which are measured in wetted acres of habitat. Wetted acres were estimated by using the BDCP's assumption that vernal pool complexes and degraded vernal pool complexes would have a 15% density of vernal pools (i.e., of 100 acres of vernal pool complex 15 acres would constitute vernal pools and the remaining 85 acres supporting uplands). Based on an informal evaluation of aerial photographs of the Plan Area it is likely that the actual densities within the Plan Area are approximately 10%, but the 15% density value was chosen as a conservative estimate for determining effects.

Table 12-4-16. Estimated Effects on Wetted Nonlisted Vernal Pool Species Habitat under Alternative 4 (acres)

		Direct Loss		Indirect Conversion	
		Near-Term	Late Long-Term	Near-Term	Late Long-Term
BDCP Impact Limit[a]		5	10	10	20
Alternative 4 Impact [b]	CM1[~~c~~]	~~5.0~~5.1	~~5.0~~5.1	~~1.5~~6.2	~~1.5~~6.2
	CM4[c]	30.2	55.8	11.0	20.3
Total		~~35.2~~35.3	~~60.8~~60.9	~~12.5~~17.2	~~21.8~~26.5

[a] Because roughly half of the impacts would occur in the near-term, it is assumed that the impact limit in the near-term would be 5 wetted acres for direct loss and 10 acres for indirect.

[b] These acreages were generated by assuming that the modeled habitat identified in Table 12-4-15 has densities of wetted habitat at 15%. The direct effects numbers include permanent and temporary impacts.

~~[c] The temporary impacts from transmission line construction associated with CM1 would be zero because the commitment in AMM30, which calls for temporary transmission lines to avoid removal of alkali seasonal wetland and vernal pool wetted acres. This would lower CM1 impacts to 2.3 acres.~~

[c~~d~~] These impacts are based on the hypothetical restoration footprints and would likely be lower based on the BDCP's commitment to minimize and avoid effects on vernal pool habitat as much as practicable. The values for near-term indirect effects were assumed to be slightly more than half of what the late long-term value would be.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA and would be less than significant under CEQA. Table 12-4-15 above lists the impacts on nonlisted vernal pool invertebrate habitat that are based on the natural community mapping done within the study area. The impacts from tidal natural communities restoration (CM4) are based on hypothetical footprints and do not reflect actual impacts on vernal pool habitat considering the BDCP's commitment to design restoration projects to minimize or avoid effects on vernal pools (see AMM12 and AMM30). As seen in Table 12-4-16, the effects of CM1 alone would be well within the near-term limits. As seen in Table 12-4-16, Alternative 4 would not meet the Plan's near-term biological goals and objectives for direct and indirect effects unless near-term projects are designed to ensure that they do not exceed these impact limits.

Typical NEPA and CEQA project-level mitigation ratios for loss of vernal pools affected by CM1 would be 1:1 for restoration and 2:1 for protection. Typically, indirect conversion impacts are mitigated by protecting vernal pools at a 2:1 ratio. Using these typical ratios would indicate that ~~5~~ 5.1 wetted acres of vernal pool (or ~~33~~ 34 acres of vernal pool complex) should be restored and ~~13~~ 22.6 wetted acres (or ~~87~~ 151 acres of vernal pool complex) protected to mitigate the CM1 direct and indirect effects on nonlisted vernal pool species habitat. However, with the implementation of AMM30 the effects on aquatic habitat would be avoided to the maximum extent feasible during the designing of~~wetted acres of nonlisted vernal pool species habitat from CM1 would be reduced by approximately 2.7 acres (18 acres of modeled habitat) by redesigning the temporary~~ the transmission line west of Clifton Court Forebay. Assuming that the BDCP would apply the impact limits presented in Table 12-4-13 and implement AMM30, direct impacts on wetted vernal pools resulting from tidal restoration in the near-term ~~could not exceed 2.7 acres of direct effects on wetted vernal pool acreage~~would have to be avoided and indirect impacts could not exceed ~~9.5~~3.8 wetted acres of indirect effects. The impacts based on the hypothetical tidal restoration footprints would exceed these limits. When and if these limits are met, the BDCP would need to restore up to ~~5~~ 5.1 wetted acres (~~33~~ 34 acres of vernal pool complex) and protect up to 30 wetted acres (200 acres of vernal pool complex) in the near-term to offset the effects of CM1 and CM4.

The BDCP has committed to near-term goal of protecting 400 acres of vernal pool complex (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS) by protecting at least 2 wetted acres of vernal pools for each wetted acre directly or indirectly affected. The BDCP has also committed to restoring/creating vernal pools such that there is no net loss of vernal pool acreage. The amount of restoration would be determined during implementation based on the following criteria.

- If restoration is completed (i.e., restored natural community meets all success criteria) prior to impacts, then 1.0 wetted acre of vernal pools would be restored for each wetted acre directly affected (1:1 ratio).
- If restoration takes place concurrent with impacts (i.e., restoration construction is completed, but restored habitat has not met all success criteria, prior to impacts occurring), then 1.5 wetted acres of vernal pools would be restored for each wetted acre directly affected (1.5:1 ratio).

The Plan's biological goals and objectives would also inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on nonlisted vernal pool invertebrate habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM30 Transmission Line Design and Alignment Guidelines*, and *AMM37 Recreation*. *AMM12 Vernal Pool Crustaceans*, though developed for vernal pool crustaceans, includes measures to avoid and minimize direct and indirect effects on vernal pools and would thus be applicable to nonlisted vernal pool invertebrates as well. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

The BDCP states that covered activities would not result in more than 10 wetted acres of direct loss and no more than 20 wetted acres of indirect conversion effects on vernal pools by the late long-term (see Objective VPNC1.2 and AMM12). As seen in Table 12-4-16, the effects of CM1 alone would be ~~well within~~generally within the ~~the~~ near-term limits, but overall Alternative 4 would not meet the Plan's late long-term biological goals and objectives for direct and indirect effects unless tidal restoration projects are designed to ensure that that they do not exceed these impact limits.

The Plan has committed to late long-term goal of protecting 600 acres of vernal pool complex in either Conservation Zones 1, 8, or 11, primarily in core vernal pool recovery areas (Objective VPNC1.1) by protecting at least 2 wetted acres of vernal pools protected for each wetted acre directly or indirectly affected. The Plan also includes a commitment to restore or create vernal pools such that the Plan results in no net loss of vernal pool acreage (Objective VPNC1.2). The protection and restoration would be achieved using the criteria presented above as well as by following the other specific biological goals and objectives, which include:

- Increasing the size and connectivity of protected vernal pool complexes (Objective VPNC1.3)
- Protecting the range of inundation characteristics that are currently represented by vernal pool throughout the Plan Area (Objective VPNC1.4)

NEPA Effects: The near-term loss of vernal pool habitat under Alternative 4 would not be adverse under NEPA because the BDCP has committed to avoiding and minimizing effects from tidal restoration and to restoring and protecting an acreage that meets or exceeds the typical mitigation ratios described above. In the absence of other conservation actions, he potential modification of vernal pool habitat and potential mortality of special-status species resulting from Alternative 4 in the late long-term would represent an adverse effect. However, the BDCP has committed to impact limits for vernal pool habitat and to habitat protection, restoration, management and enhancement associated with CM3, CM9, and CM11. This habitat protection, restoration, management, and enhancement would be guided by species-specific goals and objectives, and by AMM1–AMM6, AMM10, AMM12, AMM30, and AMM37, which would be in place throughout the time ~~period of construction~~BDCP permit term. Considering these commitments, losses and conversions of nonlisted vernal pool invertebrates habitat under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant under CEQA. Table 12-4-15 above lists the impacts on vernal pool habitat that is based on the natural community mapping done within the study area. The impacts from tidal natural communities restoration (CM4) are based on hypothetical footprints and do not reflect actual impacts on vernal pool habitat considering the BDCP's commitment to design restoration projects to minimize or avoid effects on vernal pools (see AMM12 and AMM30). As seen in Table 12-4-16, the effects of CM1 alone would be ~~well~~ generally within the near-term limits. As seen in Table 12-4-16, Alternative 4 would not meet the Plan's near-term biological goals and objectives for direct and indirect effects unless near-term tidal restoration projects are designed to ensure that they do not exceed these impact limits.

Typical NEPA and CEQA project-level mitigation ratios for loss of vernal pools affected by CM1 would be 1:1 for restoration and 2:1 for protection. Typically, indirect conversion impacts are mitigated by protecting vernal pools at a 2:1 ratio. Using these typical ratios would indicate that ~~5~~ 5.1 wetted acres of vernal pool (or ~~33~~ 34 acres of vernal pool complex) should be restored and ~~13~~ 22.6 wetted acres (or ~~87~~ 151 acres of vernal pool complex) protected to mitigate the CM1 direct and indirect effects on nonlisted vernal pool species habitat. However, with the implementation of AMM30 the aquatic habitat would be avoided to the maximum extent feasible during the designing of~~effects on wetted acres of nonlisted vernal pool habitat from CM1 would be reduced by approximately 2.7 acres (18 acres of modeled habitat) by redesigning~~ the ~~temporary~~ transmission line west of Clifton Court Forebay. Assuming that the BDCP would apply the impact limits presented in Table 12-4-13 and implement AMM30, impacts on wetted vernal pools resulting from tidal restoration in the near-term ~~could not exceed 2.7 acres of direct effects on wetted vernal pool acreage~~would have to be avoided and indirect impacts could not exceed ~~9.5~~xx wetted acres of indirect effects. The impacts based on the hypothetical tidal restoration footprints would exceed these limits. When and if these limits are met, the BDCP would need to restore up to ~~5~~ 5.1 wetted acres (~~33~~ 34 acres of vernal pool complex) and protect up to 30 wetted acres (200 acres of vernal pool complex) in the near-term to offset the effects of CM1 and CM4.

The BDCP has committed to near-term goal of protecting 400 acres of vernal pool complex (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS) by protecting at least 2 wetted acres of vernal pools for each wetted acre directly or indirectly affected. The BDCP has also committed to restoring/creating vernal pools such that there is no net loss of vernal pool acreage. The amount of restoration would be determined during implementation based on the following criteria.

- If restoration is completed (i.e., restored natural community meets all success criteria) prior to impacts, then 1.0 wetted acre of vernal pools would be restored for each wetted acre directly affected (1:1 ratio).
- If restoration takes place concurrent with impacts (i.e., restoration construction is completed, but restored habitat has not met all success criteria, prior to impacts occurring), then 1.5 wetted acres of vernal pools would be restored for each wetted acre directly affected (1.5:1 ratio).

The species-specific biological goals and objectives would also inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on nonlisted vernal pool invertebrates.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM10 Restoration of Temporarily Affected Natural Communities, AMM30 Transmission Line Design,* and *Alignment Guidelines,* and *AMM37 Recreation*. *AMM12 Vernal Pool Crustaceans*, though developed for vernal pool crustaceans, includes measures to avoid and minimize direct and indirect effects on vernal pools and would thus be applicable to nonlisted vernal pool invertebrates as well. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

The natural community restoration and protection activities are expected to be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts on constitute adequate mitigation for CEQA purposes. These commitments, implemented together with the AMMs and biological goals and objectives, are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

The BDCP states that covered activities would not result in more than 10 wetted acres of direct loss and no more than 20 wetted acres of indirect effects on vernal pools by the late long-term (see Objective VPNC1.2 and AMM12). As seen in Table 12-4-16, the impacts of CM1 alone would be ~~well~~ generally within the near-term limits, but overall Alternative 4 would not meet the Plan's late long-term biological goals and objectives for direct and indirect effects unless near-term tidal restoration projects are designed to ensure that that they do not exceed these impact limits.

The Plan has committed to late long-term goal of protecting 600 acres of vernal pool complex in either Conservation Zones 1, 8, or 11, primarily in core vernal pool recovery areas (Objective VPNC1.1) by protecting at least 2 wetted acres of vernal pools protected for each wetted acre directly or indirectly affected. The Plan also includes a commitment to restore or create vernal pools such that the Plan results in no net loss of vernal pool acreage (Objective VPNC1.2). The protection and restoration would be achieved using the criteria presented above as well as by following the other specific biological goals and objectives, which include:

- Increasing the size and connectivity of protected vernal pool complexes (Objective VPNC1.3)
- Protecting the range of inundation characteristics that are currently represented by vernal pool throughout the Plan Area (Objective VPNC1.4)

The effects on nonlisted vernal pool invertebrate habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality in the absence of other conservation actions. However, the BDCP has committed to impact limits for vernal pool habitat and to habitat protection, restoration, management and enhancement associated with CM3, CM9, and CM11. These conservation activities would be guided by goals and objectives, and by AMM1–AMM6, AMM10,AMM12, AMM30, and AMM37, which would be in place throughout the ~~time period any construction activity would be occurring~~BDCP permit term. Considering these commitments, Alternative 4 over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of nonlisted vernal pool invertebrates. Therefore, Alternative 4 would have a less-than-significant impact on nonlisted vernal pool invertebrates.

Impact BIO-39: Indirect Effects of Plan Implementation on Nonlisted Vernal Pool Invertebrates

Construction and maintenance activities associated with water conveyance facilities, and restoration actions could indirectly affect nonlisted vernal pool invertebrates and their habitat in the vicinity of construction and restoration areas, and maintenance activities. These potential effects would be minimized or avoided through AMM1–AMM6, and AMM10, which would be in effect throughout the ~~Plan's construction phase~~BDCP permit term.

NEPA Effects: Water conveyance facilities construction and restoration activities could indirectly affect nonlisted vernal pool invertebrates and their habitat in the vicinity of construction areas. Ground-disturbing activities, stockpiling of soils, and maintenance and refueling of heavy equipment could result in the inadvertent release of sediment and hazardous substances into this habitat. These potential effects would be avoided and minimized through AMM1–AMM6, which would be in effect throughout the ~~Plan's construction phase~~BDCP permit term. Nonlisted vernal pool invertebrates and their habitat could be periodically indirectly affected by maintenance activities at water conveyance facilities. Embankment maintenance activities around Clifton Court Forebays could result in the inadvertent discharge of sediments and hazardous materials into vernal pool habitat that occurs along the southern and western boundaries of the forebays. These potential effects would be avoided and minimized through AMM1–AMM6, which would be in effect throughout the ~~term of the Plan~~BDCP permit term. The indirect effects of plan implementation under Alternative 4 would not be adverse.

CEQA Conclusion: Construction and maintenance activities associated with water conveyance facilities, and restoration actions could indirectly impact nonlisted vernal pool invertebrates and their habitat in the vicinity of construction and restoration areas, and maintenance activities. These potential impacts would be minimized or avoided through AMM1–AMM6, and AMM10, which would be in effect throughout BDCP permit term~~the Plan's construction phase~~. The indirect impacts of Alternative 4 would be less than significant.

Impact BIO-40: Periodic Effects of Inundation of Nonlisted Vernal Pool Invertebrates' Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass under *CM2 Yolo Bypass Fisheries Enhancement* would periodically affect 0 to 4 acres of modeled habitat for nonlisted vernal pool invertebrates (Table 12-4-15). There would be no periodic effects from *CM5 Seasonally Inundated Floodplain Restoration*

***NEPA Effects*:** ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP describes the methods used to estimate periodic inundation effects in the Yolo Bypass. Based on this method, periodic inundation could affect nonlisted vernal pool invertebrates occupying areas ranging from 0 acres of habitat during most notch flows to an estimated 4 acres during a notch flow of 6,000 cfs. BDCP-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, because Fremont Weir is expected to overtop the remaining 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. In more than half of all years under Existing Conditions, an area greater than the BDCP-related inundation area already inundates in the bypass. Yolo Bypass flooding is expected to have a minimal effect on nonlisted vernal pool invertebrates and would thus not be adverse.

CEQA Conclusion: Alternative 4 would periodically inundate at most 4 acres of nonlisted vernal pool invertebrates' habitat during the maximum flows over the Fremont Weir. The periodic inundation is not anticipated to result in a conversion of nonlisted vernal pool invertebrates' habitat into different wetland habitat. BDCP-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, because Fremont Weir is expected to overtop the remaining 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. In more than half of all years under Existing Conditions, an area greater than the BDCP-related inundation area already inundates in the bypass. Yolo Bypass flooding is expected to have a minimal effect on nonlisted vernal pool invertebrates and would thus result in less-than-significant impacts on the species.

Sacramento and Antioch Dunes Anthicid Beetles

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on Sacramento and Antioch Dunes anthicid beetles. Potential habitat in the study area includes the inland dune scrub at Antioch Dunes NWR, sand bars along the Sacramento and San Joaquin Rivers, and sandy dredge spoil piles (California Department of Fish and Game 2006c and 2006d).

The construction, and operations and maintenance of the water conveyance facilities under Alternative 4 would not likely affect Sacramento and Antioch Dunes anthicid beetles. The construction of the water conveyance structure and associated infrastructure would generally avoid affects to channel margins where sand bars are likely to form. Conveyance construction would not affect inland dune scrub habitat at Antioch Dunes NWR. No dredge spoil areas that could be occupied by Sacramento anthicid beetle were identified within conveyance facilities footprints during a review of Google Earth imagery. Also, a review of the locations of the Alternative 4 water intake facilities on aerial imagery did not reveal any sandbars along the channel margins. These portions of the Sacramento River have steep, riprap lined channel banks that are likely not conducive to the formation of sandbars.

Implementation of BDCP restoration based conservation measures could affect habitat for Sacramento and Antioch Dunes anthicid beetles. Both species are known to utilize interior sand dunes and sandbar habitat. The only interior sand dune habitat within the Plan Area is at Antioch Dunes, which would not be impacted by the Alternative 4 conservation measures. Both species are known to occur along the Sacramento River and San Joaquin Rivers. The implementation of BDCP restoration actions, and other covered activities could affect habitat for Sacramento and Antioch Dunes anthicid beetles along channels throughout the Plan Area; however the extent of these habitats in the Plan Area is unknown because these areas were not identified at the scale of mapping done within the study area. Because of current and historic channel modifications (channel straightening and dredging) and levee construction throughout the Delta, sandbar habitat is likely very limited and restricted to channel margins. The implementation of *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, and *CM6 Channel Margin Enhancement* could impact sandbar habitat along the river channels and possibly sandy, dredge piles on Delta islands.

Over the term of the BDCP, Alternative 4 would likely result in beneficial effects on Sacramento and Antioch Dunes anthicid beetles. The following Alternative 4 objectives would generally increase opportunities for the formation of sandbars in the Plan Area.

- Restore 10,000 acres of seasonally inundated floodplain (Objective L2.11, associated with CM5),.
- Enhance 20 miles of channel margin habitat (Objective L2.12, associated with CM6).,
- Restore 5,000 acres of riparian habitat, with at least 3,000 acres occurring on restored seasonally inundated floodplain. (VFRNC1.1, associated with CM7).

These measures would improve shoreline conditions by creating benches along levees, shallow habitat along margins and in floodplains, and increasing shoreline vegetation, all of which would likely contribute to the formation of sandbars along Delta river channels where these measures would be implemented. Increasing the structural diversity of Delta river channel margins and floodplains would create opportunities for sand to be deposited and for sandbars to subsequently form. As explained below, potential impacts on Sacramento and Antioch Dunes anthicid beetle would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-17. Changes in Sacramento and Antioch Dunes Anthicid Beetles' Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1		0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**	**NA**	**NA**
CM2–CM18		~~0~~ UNK	UNK~~0~~	UNK~~0~~	UNK~~0~~	0	UNK~~0~~
Total Impacts CM2–CM18		**~~0~~UNK**	**UNK~~0~~**	**UNK~~0~~**	**UNK~~0~~**	**0**	**UNK~~0~~**
TOTAL IMPACTS		**UNK~~0~~**	**UNK~~0~~**	**UNK~~0~~**	**INK~~0~~**	**0**	**~~0~~UNK**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable
UNK = unknown

Impact BIO-41: Loss or Conversion of Habitat for and Direct Mortality of Sacramento and Antioch Dunes Anthicid Beetles

Implementation of Alternative 4 conservation measures could affect Sacramento and Antioch Dunes anthicid beetles and their habitat. As mentioned above, the extent of this habitat in the study area is unknown but it is assumed that sand bars likely occur along to some degree along the Sacramento and San Joaquin Rivers and that some islands in the Delta may contain sandy dredge spoil piles. A review of Google Earth imagery in the north Delta did identify three general areas that appear to have accumulations of sandy soils (with some vegetation), possibly from dredge disposal, are Decker Island, the western portion of Bradford Island, and the southwestern tip of Grand Island. A review of Google Earth imagery in the south Delta did identify sandbar habitat along the San Joaquin River from the southern end of the Plan Area downstream to an area just west of Lathrop. An additional area along Paradise Cut was identified just north of I-5. Conservation measures that could result in impacts on Sacramento and Antioch Dunes anthicid beetles are tidal habitat restoration (CM4), floodplain restoration (CM5), and channel margin enhancement (CM6). In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate habitat for Sacramento and Antioch Dunes anthicid beetles. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration could impact the areas of sandy soils identified from aerial photographs on Decker Island, the western portion of Bradford Island, and on the southwestern tip of Grand Island because these areas fall within the West Delta Restoration Opportunity Area (ROA). The West Delta ROA has been identified in the BDCP (~~BDCP~~ see Chapter 3 ~~*Conservation Strategy*~~, Section 3.4.4, *Conservation Measure 4*, of the Draft BDCP) as providing opportunities for creating subtidal aquatic and tidal marsh habitats. The methods and techniques identified in ~~BDCP~~ Chapter 3, Section 3.4.4.3.3, *Methods and Techniques*, of the Draft BDCP that may be used for tidal restoration include the recontouring of lands so that they have elevations suitable for the establishment of marsh plains and the eventual breaching of levees. There are three CNDDB records of Sacramento anthicid beetle (just north of Rio Vista, one just south of Rio Vista along the west shore of the Sacramento River, and one on Grand Island) and one CNDDB record of Antioch Dunes anthicid beetle (just north of Rio Vista) that fall within the West Delta ROA (California Department of Fish and Wildlife 2013). Tidal restoration actions in the West Delta ROA may eliminate potential habitat and impact occupied habitat of both Sacramento and Antioch Dunes anthicid beetles.
- *CM5 Seasonally Inundated Floodplain Restoration*: Seasonally inundated floodplain restoration could impact areas with sandbars that were identified in a review of aerial photographs. The sandbars identified along the San Joaquin River and Paradise Cut are within the conceptual corridors (Corridors 1a, 1b, 2a, and 4) identified in Figure 3.4-20 of the BDCP. There are four CNDDB records for Sacramento anthicid beetle in the conceptual corridor along the San Joaquin River (California Department of Fish and Wildlife 2013). Floodplain restoration actions in these conceptual corridors could impact potential habitat for both these species and occupied habitat of Sacramento anthicid beetle.
- *CM6 Channel Margin Enhancement*: Channel margin enhancement could result in impacts on 20 miles of channel margin that could contain sandbars.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Alternative 4 could result in substantial affects on Sacramento and Antioch Dunes anthicid beetles because all of the habitat identifiable from aerial photo review falls within either the West Delta ROA, which is being considered for tidal restoration (CM4), or within three of the conceptual corridors being considered for floodplain restoration (CM5). Furthermore, all seven of the records for Sacramento anthicid beetle within the study area fall within areas being considered for restoration (CM4 and CM5), which represent over half of the extant records for this species range wide (7 of 13), and the only extant record for Antioch Dunes anthicid beetle, which represent one of five extant records range wide, falls within the West Delta ROA that is just north of Rio Vista. These occurrences could be affected by restoration if these areas are chosen as restoration projects. However, over the term of the BDCP, implementation of conservation components would likely benefit Sacramento and Antioch Dunes anthicid beetles. Under Alternative 4, CM5, CM6, and CM7, would generally contribute to the formation of sandbar habitat in the Plan Area. These measures would improve shoreline conditions by creating benches along levees (CM6), creating shallow margin and floodplain habitat (CM5), and increasing shoreline vegetation (CM7), all of which would likely contribute to the formation of sandbars along Delta river channels where these measures would be implemented. Increasing the structural diversity of Delta river channel margins would create areas of slow water that would allow for sand to be deposited and for sandbars to subsequently form. Other factors relevant to effects on Sacramento and Antioch Dunes anthicid beetles are listed below.

- The actual extent of suitable and occupied habitat for these species in the plan is unknown.
- The sandbar habitat occupied by Sacramento anthicid beetle along the San Joaquin River would likely not be directly impacted where floodplain restoration occurs because the physical disturbance would be to adjacent levees and agricultural areas. Though these actions would change hydrologic conditions that could overtime remove the existing sandbars, the expanded floodplain would create conditions suitable for the formation of new and possibly larger sandbars.
- Floodplain restoration would be phased over a period of 30 years so that not all sandbar habitat within these areas would be affected at once. Furthermore, as floodplain restoration is being implemented new sandbar habitat would likely be forming prior and/or concurrent with future floodplain restoration projects that may affect sandbar habitat on the San Joaquin River and/or Paradise Cut.

***NEPA Effects*:** The potential impacts on Sacramento and Antioch Dunes anthicid beetles associated with Alternative 4 as a whole would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality in the absence of other conservation actions. However, with implementation of restoration associated with CM5, CM6, and CM7, which would be phased throughout the time period when the impacts would be occurring, the effects of Alternative 4 as a whole on Sacramento and Antioch Dunes anthicid beetles would not be adverse under NEPA.

***CEQA Conclusion*:** Alternative 4 would impact Sacramento and Antioch Dunes anthicid beetles' habitat and could impact seven occurrences of Sacramento anthicid beetle and one occurrence of Antioch Dunes anthicid beetle. However, over the term of the BDCP, implementation of conservation components would likely benefit Sacramento and Antioch Dunes anthicid beetles. BDCP conservation components, particularly conservation measures CM5, CM6, and CM7, would generally contribute to the formation of sandbar habitat in the Plan Area. Floodplain restoration (CM5) would be phased over a period of 30 years so that not all sandbar habitat within these areas would be affected at once. Furthermore, as floodplain restoration is being implemented new sandbar habitat would likely be forming prior and/or concurrent with future floodplain restoration projects that may affect sandbar habitat on the San Joaquin River and/or Paradise Cut.

Considering that floodplain (CM5), channel margin enhancement (CM6), and riparian restoration (CM7) would contribute to the replacement of and possible expansion of sandbar habitat in the Delta and be phased throughout the time period when the impacts would be occurring, the implementation of Alternative 4 as a whole would not result in a substantial adverse effect though habitat modification and would not substantially reduce the number or restrict the range of these species. Therefore, the alternative would have a less-than-significant impact on Sacramento and Antioch Dunes anthicid beetles.

Delta Green Ground Beetle

Suitable habitat in the study area would be vernal pool complexes and annual grasslands in the general Jepson Prairie area. The construction, and operations and maintenance of the water conveyance facilities under Alternative 4 would not affect delta green ground beetle because the facilities and construction area are outside the known range of the species. Implementation of

Alternative 4 could affect delta green ground beetle through the protection of grasslands and vernal pool complex (CM3) in the vicinity of Jepson Prairie and the subsequent implementation of habitat enhancement and management actions and recreational trail construction (CM11) in these areas. In addition, tidal natural communities restoration (CM4) could result in potential impacts on delta green ground beetle and its habitat. Full implementation of Alternative 4 would likely result in beneficial effects on delta green ground beetle through the following conservation actions.

- Protect 2,000 acres of grassland in CZ 1 (Objective GNC1.1, associated with CM3).
- Protect 600 acres of vernal pool complex in CZs 1, 8, and 11 (Objective VPNC1.1, associated with CM3).
- Restore up to 67 acres of vernal pool complex in CZs 1, 8, and/or 11 (Objective VPNC1.2, associated with CM9).

These areas could contain currently occupied habitat for delta green ground beetle and/or create conditions suitable for eventual range expansion. As explained below, potential impacts on delta green ground beetle would be adverse for NEPA purposes and would be significant for CEQA purposes. Mitigation Measure BIO-42 would reduce the effects under NEPA and reduce the impacts to a less-than-significant level under CEQA.

Table 12-4-18. Changes in Delta Green Ground Beetle Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1		0	0	0	0	NA	NA
		0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**	**NA**	**NA**
CM2–CM18		0	0	0	0	0	0
		0	0	0	0	0	0
Total Impacts CM2–CM18		**0**	**0**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**0**	**0**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-42: Loss or Conversion of Habitat for and Direct Mortality of Delta Green Ground Beetle

Alternative 4 conservation measures could result in the conversion of habitat and/or direct mortality to delta green ground beetle. Conservation measure that could affect delta green ground beetle include tidal natural communities habitat restoration (CM4) and habitat enhancement and management activities (CM11) in CZ 1. CZ 1 is the only portion of the Plan Area that contains occupied and potential habitat for delta green ground beetle. The range of the delta green ground beetle is currently believed to be generally bound by Travis Air Force Base to the west, Highway 113 to the east, Hay Road to the north, and Creed Road to the south (Arnold and Kavanaugh 2007; USFWS 2009). Further discussion of this potential effect is provided below, and NEPA and CEQA conclusions follow.

- *CM4 Tidal Natural Communities Restoration*: Tidal restoration in the Cache Slough ROA could result in the loss of delta green ground beetle habitat if restoration is planned in areas known to be or potentially occupied by the species. CM4 identifies 5,000 acres of freshwater tidal natural communities restoration in the Cache Slough ROA, and Lindsey Slough and Calhoun Cut have been identified as areas suitable for restoration. Lindsey Slough is just east of Jepson Prairie, and Calhoun Cut, which is off of Lindsey Slough (see Figure 12-1), goes into the general Jepson Prairie area and is adjacent to areas of potential habitat for delta green ground beetle. The tidal restoration methods and techniques identified in CM4 (see ~~BDCP~~ Chapter 3, Section 3.4.4.3.3, *Methods and Techniques*, of the Draft BDCP) includes excavating channels; modifying ditches, cuts, and levees to encourage tidal circulation; and scalping higher elevation areas to create marsh plains. These disturbances could affect delta green ground beetle through habitat modification, either directly or indirectly through hydrologic modifications, and/or result in direct mortality to the species. No CNDDB records for delta green ground beetle are intersected by the hypothetical tidal restoration footprints being used by the BDCP.
- *CM11 Natural Communities Enhancement and Management*: As described in *CM3 Natural Communities Protection and Restoration*, up to 2,000 acres of grasslands would be protected in CZ 1 and a portion of the 600 acres of protection and possibly some of the up to 10 wetted acres of vernal pool restoration could also occur in CZ 1. Potential effects from CM11 could include direct mortality to larvae and adults from the implementation of grassland management techniques, which may include livestock grazing, prescribed burning, and mowing. In addition to these grassland and vernal pool complex management actions, CM11 also includes guidelines and techniques for invasive plant control, which may include manual control (hand-pulling and digging), mechanical control (large equipment), and chemical control, though some of these methods would be restricted in areas where rare plants occur or in critical habitat for vernal pool species. The creation of new recreation trails as part of CM11 would result in impacts on 15.5 acres of grasslands within CZ 1, which could affect delta green ground beetle if present.

NEPA Effects: The protection of 2,000 acres of grassland in CZ 1 (CM3) and the protection of 600 acres of vernal pool complex and up 10 wetted acres of vernal pool complex restoration, some of which could occur in CZ 1 (CM3 and CM9) could benefit delta green ground beetle if these areas occur within the range of the species. The management of these grasslands and vernal pool complexes according to *CM11 Natural Communities Enhancement and Management* and the construction of recreational trails in CZ 1 has a potential to affect this species. AMM37 would ensure that new trails in vernal pool complexes be sited at least 250 feet from wetland features, or closer if site-specific information indicates that local watershed surrounding a vernal pools is not adversely affected. Direct mortality and/or the affects to delta green ground beetle habitat would be an adverse effect under NEPA. Implementation of mitigation measure BIO-42, *Avoid Impacts on Delta Green Ground Beetle and its Habitat*, would reduce this effect.

CEQA Conclusion: The implementation of grassland and vernal pool complex protection (CM3), tidal natural communities restoration (CM4), vernal pool restoration (CM9), and recreational trail construction and subsequent enhancement and management actions (CM11) could impact delta green ground beetle. Tidal restoration projects around Calhoun Cut and possible Lindsey Slough could affect habitat and result in direct mortality to the species from excavating channels; modifying ditches, cuts, and levees to encourage tidal circulation; and scalping higher elevation areas to create marsh plains. Potential impacts from CM11 could include direct mortality to larvae and adults resulting from the implementation of recreation trail construction in 15.5 acres of grassland in CZ 1 and from grassland management techniques, which may include livestock grazing, prescribed burning, and mowing. AMM37 would ensure that new trails in vernal pool complexes be sited at least 250 feet from wetland features, or closer if site-specific information indicates that local watershed surrounding a vernal pools is not adversely affected. CM11 also includes guidelines and techniques for invasive plant control, which may include manual control (hand-pulling and digging), mechanical control (large equipment), and chemical control, though some of these methods would be restricted in areas where rare plants occur and in critical habitat for vernal pool species. These actions could result in adverse effects through habitat modification and a possible reduction in the number of the species or restrict its range, and therefore result in significant impacts on delta green ground beetle. Implementation of Mitigation Measure BIO-42, *Avoid Impacts on Delta Green Ground Beetle and its Habitat*, would reduce these potential impacts to a less-than-significant level.

Mitigation Measure BIO-42: Avoid Impacts on Delta Green Ground Beetle and its Habitat

As part of the design of recreational trails in CZ 1, the development of tidal restoration plans, and site-specific management plans on protected grasslands and vernal pool complexes, and the possible implementation of vernal pool restoration in the area of Jepson Prairie, BDCP proponents will implement the following measures to avoid effects on delta green ground beetle.

- If recreational trail construction, habitat restoration or protection is planned for the lands adjacent to Calhoun Cut and noncultivated lands on the western side of Lindsey Slough, these area will be evaluated by a USFWS approved biologist for potential delta green ground beetle habitat (large playa pools, or other similar aquatic features, with low growing vegetation or bare soils around the perimeter). The biologist will have previous experience with identifying suitable habitat requirements for delta green ground beetle.
- Any suitable habitat identified by the biologist (with previous experience with delta green ground beetle) within the species current range will be considered potentially occupied and all ground disturbing covered activities in these areas will be avoided, which for the Plan Area is generally the area west of State Route 113.
- Any other areas identified as suitable habitat outside of the current range of the species will be surveyed by a biologist with previous experience in surveying for and identifying delta green ground beetle. No ground disturbing covered activities will occur in areas identified as occupied by delta green ground beetle.
- Based on the results of the habitat evaluations and surveys, recreational trail construction plans, and site-specific restoration and management plans will be developed so that they

don't conflict with the recovery goals for delta green ground beetle in the USFWS's 2005 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (U.S. Fish and Wildlife Service 2005). Plans will include measures to protect and manage for delta green ground beetle so that they continue to support existing populations or allow for future colonization.

Callippe Silverspot Butterfly

This section describes the effects of Alternative 4 on callippe silverspot butterfly. Suitable habitats are typically in areas influenced by coastal fog with hilltops that support the specie's host-plant, Johnny jump-ups. Preferred nectar flowers used by adults include thistles, blessed milk thistle, and coyote wild mint. Other native nectar sources include hairy false goldenaster, coast buckwheat, mourning bride, and California buckeye. Suitable habitat in the Plan Area is located in CZ11 in the Cordellia Hills west of I-680 and in the Potrero Hills on the northern edge of Suisun Marsh. The construction, and operations and maintenance of the water conveyance facilities under Alternative 4 would not result in impacts on callippe silverspot butterfly or its habitat. If Cordelia Hills and Potrero Hills are identified for grassland protection opportunities as part of *CM3 Natural Communities Protection and Restoration* and the subsequent implementation of *CM11 Natural Communities Enhancement and Management,* could affect callippe silverspot butterfly. Callippe silverspot butterfly has been documented in the western most portion of the Plan Area (CZ 11) in the Cordelia Hills (Solano County Water Agency 2009). Potential habitat for the species (grassy hills with *Viola pedunculata*) is present in the Potrero Hills, but it has not been observed there (EDAW 2005, California Department of Fish and Wildlife 2013). Though CZ 11 has been identified as potential area for grassland restoration in *CM8 Grassland Natural Community Restoration,* the primary goal there is to restore small patches of grassland to connect to Jepson Prairie and/or the restoration of upland grasses adjacent to tidal brackish emergent wetland in Suisun Marsh, both of which would not be areas suitable for callippe silverspot butterfly. The full implementation of Alternative 4 would protect up to 2,000 acres of grassland in CZ 11 (Objective GNC1.1, associated with CM3), some of which may contain habitat for callippe silverspot butterfly. As explained below, potential impacts on callippe silverspot would be adverse for NEPA purposes and would be significant for CEQA purposes. Mitigation Measure BIO-43 would reduce the effects under NEPA and reduce the impacts to a less-than-significant level under CEQA.

Table 12-4-19. Changes in Callippe Silverspot Butterfly Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1		0	0	0	0	NA	NA
		0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**	**NA**	**NA**
CM2–CM18		0	0	0	0	0	0
		0	0	0	0	0	0
Total Impacts CM2–CM18		**0**	**0**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**0**	**0**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-43: Loss or Conversion of Habitat for and Direct Mortality of Callippe Silverspot Butterfly

Alternative 4 conservation measures could result in the conversion of habitat and/or direct mortality to callippe silverspot butterfly. Only one conservation measure was identified as potentially affecting Callippe silverspot butterfly, *CM11 Natural Communities Enhancement and Management*, which could result in the disturbance of callippe silverspot butterfly habitat if such areas are acquired as part of grassland protection under *CM3 Natural Communities Protection and Restoration*. Further discussion of this potential effect is provided below and NEPA and CEQA conclusions follow.

As described in *CM3 Natural Communities Protection and Restoration*, up to 2,000 acres of grasslands would be protected in CZ 11. If areas chosen for protection include Cordelia Hills or Potrero Hills, where there is known and potential habitat, respectively, then grassland enhancement and management actions could affect the callippe silverspot butterfly. Potential effects from CM11 could include the loss of larval host and nectar sources and direct mortality to larvae and adults from the installation of artificial nesting burrows and structures and the implementation of grassland management techniques, which may include livestock grazing, prescribed burning, and mowing. In addition to these grassland management actions, CM11 also includes guidelines and techniques for invasive plant control, which may include manual control (hand-pulling and digging), mechanical control (large equipment), and chemical control. Several of the preferred nectar sources are thistles, some of which have been identified by the California Invasive Plant Council as having limited to moderate ecological impacts (California Invasive Plant Council 2006).

NEPA Effects: The protection of 2,000 acres of grassland within CZ 11 could benefit callippe silverspot butterfly if these protected areas include occupied and potential habitat on the hill tops in Cordelia Hills and Potrero Hills. However, ~~T~~the management of these grasslands according to *CM11 Natural Communities Enhancement and Management* also has a potential to adversely affect this species. Direct mortality and/or the removal of larval host plants and nectar sources for adults would be an adverse effect under NEPA. Implementation of Mitigation Measure BIO-43, *Avoid and Minimize Loss of Callippe Silverspot Butterfly Habitat*, would ensure the effect is not adverse.

CEQA Conclusion: If grasslands within the Cordelia Hills and Potrero Hills are protected as part of *CM3 Natural Communities Protection and Restoration* then the subsequent management of these grasslands according to *CM11 Natural Communities Enhancement and Management* has a potential to affect this species. Potential impacts from CM11 could include the loss of larval host and nectar sources and direct mortality to larvae and adults resulting from the installation of artificial nesting burrows and structures and the implementation of grassland management techniques, which may include livestock grazing, prescribed burning, and mowing. In addition to these grassland management actions, CM11 also includes guidelines and techniques for invasive plant control, which may include manual control (hand-pulling and digging), mechanical control (large equipment), and chemical control, which could result in direct and indirect effects on larval host plants and nectar plants. These actions could result in adverse effects through habitat modification and a possible reduction in the number of the species or restrict its range and would therefore result in significant impact on the species under CEQA. However, over the term of BDCP callippe silverspot butterfly could benefit from the protection of occupied and potential habitat for the species with the implementation of Mitigation Measure BIO-43, which would avoid and minimize effects from management actions and thus reduce the potential impact to a less-than-significant level.

Mitigation Measures BIO-43: Avoid and Minimize Loss of Callippe Silverspot Butterfly Habitat

As part of the development of site-specific management plans on protected grasslands in the Cordelia Hills and/or Potrero Hills, BDCP proponents will implement the following measures to avoid and minimize the loss of callippe silverspot habitat.

- Hilltops in Cordelia Hills and Potrero Hills will be surveyed for callippe silverspot larval host plants (Johnny jump-ups) by a biologist familiar with identifying this plant species. These surveys should occur during the plant's blooming period (typically early January through April)
- If larval host plants are present, then presence/absence surveys for callippe silverspot butterfly larvae will be conducted according to the most recent USFWS approved survey methods by a biologist with previous experience in surveying for and identifying callippe larvae and/or signs of larval presence. These surveys should be conducted prior to the adult flight season, which usually starts in mid-May.
- If larvae are detected then no further surveys are necessary. If larvae are not detected then surveys for adults will be conducted by a biologist familiar with surveying for and identifying callippe silverspot. Surveys typically start in mid-May and continue weekly for 8 to 10 weeks.

- If callippe silverspot butterflies are detected, then the site-specific management plans will be written to include measures to protect and manage for larval host plants and nectar sources so that they continue to support existing populations and/or allow for future colonization. Mapping of both larval host plants and nectar sources will be incorporated into the management plans.

California Red-Legged Frog

Modeled California red-legged frog habitat in the study area is restricted to freshwater aquatic and grassland habitat, and immediately adjacent cultivated lands along the study area's southwestern edge in CZ 7, CZ 8, CZ 9, and CZ 11. Pools in perennial and seasonal streams and stock ponds provide potential aquatic habitat for this species. While stock ponds are underrepresented as a modeled habitat, none is expected to be affected by BDCP actions.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of California red-legged frog modeled habitat as indicated in Table 12-4-20. Factors considered in assessing the value of affected habitat for the California red-legged frog, to the extent that information is available, are presence of limiting habitat (aquatic breeding habitat), known occurrences and clusters of occurrences, proximity of the affected habitat to existing protected lands, and the overall degraded or fragmented nature of the habitat. The study area represents the extreme eastern edge of the species' coastal range, and species' occurrences are reported only from CZ 8 and CZ 11. Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP to benefit the California red-legged frog (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative species (Objective L2.6, associated with CM11, CM13, and CM20).
- Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
- Protect stock ponds and other aquatic features within protected grasslands to provide aquatic breeding habitat for native amphibians and aquatic reptiles (Objective GNC1.3, associated with CM3)
- Increase burrow availability for burrow-dependent species (Objective GNC2.3, associated with CM11).
- Maintain and enhance aquatic features in grasslands to provide suitable inundation depth and duration and suitable composition of vegetative cover to support breeding for covered amphibian and aquatic reptile species (Objective GNC2.5, associated with CM11).

As explained below, with the restoration and protection of these amounts of habitat, in addition to implementation of AMMs, impacts on California red-legged frog would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-20. Changes in California Red-Legged Frog Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] CM2	Periodic[d] CM5
CM1	Aquatic	1	1	0	0	NA	NA
	Upland	~~6~~36	~~6~~36	~~39~~32	~~39~~32	NA	NA
Total Impacts CM1		**~~7~~37**	**~~7~~37**	**~~39~~32**	**~~39~~32**	**NA**	**NA**
CM2–CM18	Aquatic	0	0	0	0	0	0
	Upland	8	24	0	0	0	0
Total Impacts CM2–CM18		**~~0~~8**	**24**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**~~15~~45**	**~~31~~61**	**~~39~~32**	**~~39~~32**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-44: Loss or Conversion of Habitat for and Direct Mortality of California Red-Legged Frog

Alternative 4 conservation measures would result in the permanent and temporary loss combined of up to 1 acre of modeled aquatic habitat and ~~69~~ 92 acres of modeled upland habitat for California red-legged frog (Table 12-4-20). ~~There are eleven thirteen California red-legged frog occurrences that overlap with the Plan footprint in the area of temporary effects from CM11in CZ 8 and CZ 11.~~ Conservation measures that would result in these losses are conveyance facilities and transmission line construction (CM1) and recreational facility construction for CM11. Construction activities associated with the water conveyance facilities and recreational facilities, including operation of construction equipment, could result in temporary effects on, as well as injury and mortality of, California red-legged frogs. In addition, natural enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate California red-legged frog habitat including injury and mortality of California red-legged frogs. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4, including transmission line construction, would result in the permanent loss of up to 1 acre of aquatic habitat and ~~6~~ 36 acres of upland habitat for California red-legged frog in CZ 8 (Table 12-4-20). Permanent effects would be associated with RTM, borrow, and spoils areas, grading, paving, excavating, extension and installation of cross culverts, installation of structural hardscape, and installation and relocation of utilities. Construction-related effects would temporarily disturb ~~39~~ 32 acres of upland habitat for the California red-legged frog (Table 12-4-20). Although~~htough~~ there~~There~~ are ~~no Californi~~ano California red-legged frog occurrences that overlap with the CM1 construction footprint there are a number of occurrences ~~.~~to the west of Clifton Court Forebay.

- ~~-~~*CM11 Natural Communities Enhancement and Management*: Based on the recreation assumptions described in ~~BDCP~~ Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP an estimated 24 acres of upland cover and dispersal habitat for the California red-legged frog would be removed as a result of constructing trails and associated recreational facilities.~~ in CZ 8.~~ Passive recreation in the reserve system could result in trampling and disturbance of egg masses in water bodies, degradation of water quality through erosion and sedimentation, and trampling of sites adjacent to upland habitat used for cover and movement. However, *AMM37 Recreation* requires protection of water bodies from recreational activities and requires trail setbacks from wetlands. With these restrictions, recreation related effects on California red-legged frog are expected to be minimal.

  Activities associated with natural communities enhancement and management in protected California red-legged frog habitat, such as ground disturbance or herbicide use to control nonnative vegetation, could result in local adverse habitat effects on, and injury or mortality of, California red-legged frogs. These effects would be avoided and minimized with implementation of the AMMs discussed below. Herbicides would only be used in California red-legged frog habitat in accordance with the written recommendation of a licensed, registered pest control advisor and in conformance with label precautions and federal, state, and local regulations in a manner that avoids or minimizes harm to the California red-legged frog.

- Critical habitat: Several conservation measures would be implemented in California red-legged frog habitat and designated critical habitat in CZ 8 and CZ 11. Approximately 2,460 acres of designated critical habitat for the California red-legged frog overlaps with the study area along the western edge of CZ 11 in critical habitat unit SOL-1. An additional 862 acres of designated critical habitat is also present along the western edge of CZ 8 in critical habitat unit ALA-2. Conservation actions to protect and enhance grassland habitat for covered species, including California red-legged frog, in CZ 8 could include acquisition and enhancement of designated critical habitat for the California red-legged frog and California tiger salamander. Any habitat enhancement actions for these species in designated critical habitat are expected to enhance the value of any affected designated critical habitat for conservation of California red-legged frog. These actions would result in an overall benefit to California red-legged frog within the study area through protection and management of grasslands with associated intermittent stream habitat and through restoration of vernal pool complex habitat and its associated grassland habitat.

- Operations and maintenance: Ongoing water conveyance facilities operation and maintenance is expected to have little if any adverse effect on the California red-legged frog. Postconstruction operation and maintenance of the above-ground water conveyance facilities could result in ongoing but periodic postconstruction disturbances that could affect California red-legged frog use of the surrounding habitat. Operation of maintenance equipment, including vehicle use along transmission corridors in CZ 8, could also result in injury or mortality of California red-legged frogs if present in work sites. Implementation conservation actions and AMM1–AMM6, AMM10, AMM14, and AMM37, would reduce these effects.

- Injury and direct mortality: Construction activities associated with the water conveyance facilities, vernal pool complex restoration, and habitat and management enhancement-related activities, including operation of construction equipment, could result in injury or mortality of California red-legged frogs. Breeding, foraging, dispersal, and overwintering behavior may be altered during construction activities, resulting in injury or mortality of California red-legged frog. Frogs occupying burrows could be trapped and crushed during ground-disturbing activities. Degradation and loss of estivation habitat is also anticipated to result from the removal of vegetative cover and collapsing of burrows. Injury or mortality would be avoided and minimized through implementation of seasonal constraints and preconstruction surveys in suitable habitat, collapsing unoccupied burrows, and relocating frogs outside of the construction area as described in AMM1–AMM6, AMM10, AMM14, and AMM37.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA

Alternative 4 would ~~would~~ result in permanent and temporary effects combined on ~~permanently remove~~ approximately 1 acre of aquatic habitat and ~~53~~ ~~76~~76 acres of upland ~~terrestrial cover~~ habitat for California red-legged frog. The effects would result from construction of the water conveyance facilities (CM1, ~~46~~ 68 acres) and recreational facilities (CM11, 8 acres).

Typical NEPA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for California red-legged frog in Chapter 3, *Conservation Strategy*, of the BDCP would be 1:1 for restoration and 1:1 for protection of nontidal wetlands and 2:1 for protection of grassland habitats. Using these ratios would indicate that 1 acre of aquatic habitat should be restored, 1 acre of aquatic habitat should be protected, and ~~106~~ 152 acres of grassland should be protected for California red-legged frog to mitigate the near-term losses.

The BDCP has committed to near-term protection of up to 2,000 acres grassland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, in this RDEIR/SDEIS). Protection of at least 1,000 acres of grassland in CZ 8, west of Byron Highway, would benefit California red-legged frog by providing habitat in the portion of the Plan Area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas (Objective GNC1.1). Consistent with Objective GNC1.3, ponds and other aquatic features within the grasslands would be protected to provide aquatic habitat for this species, and surrounding grassland would provide dispersal and aestivation habitat which would compensate for the loss of 1 acre of aquatic habitat. In addition, aquatic features in grasslands would be maintained and enhanced to provide suitable inundation depth and duration to support breeding habitat for covered amphibians (Objective GNC2.5).

These conservation actions would occur in the same timeframe as the construction losses, thereby avoiding adverse effects of habitat loss on California red-legged frog. These Plan objectives represent performance standards for considering the effectiveness of CM3 protection and restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives for California red-legged frog satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures.

The plan also contains commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM14 California Red-Legged Frog, and AMM37 Recreation*. These AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in ~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 159 acres of aquatic habitat and 7,766 acres of upland habitat for California red-legged frog. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 1 acre of aquatic habitat and ~~69~~ 92 acres of upland habitat for California red-legged frog for the term of the plan (less than 1% of the total aquatic habitat in the study area and ~~less than~~approximately 1% of the total upland habitat in the study area). The 1 acre of aquatic habitat that would be permanently lost is not known to be used for breeding. Most of the California red-legged frog upland habitat that would be removed consists of naturalized grassland or cultivated land in a highly disturbed or modified setting on lands immediately adjacent to Clifton Court Forebay. The removed upland cover and dispersal habitat is within 0.5 mile of a cluster of known California red-legged frog occurrences to the west. However, this habitat consists mostly of cultivated lands and small patches of grasslands, and past and current surveys in this area have not found any evidence that this habitat is being used (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS).

The BDCP has committed to long-term protection of 8,000 acres grassland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, in this RDEIR/SDEIS). Protection of at least 1,000 acres of grassland in CZ 8 west of Byron Highway would benefit the California red-legged frog by providing habitat in the portion of the study area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas (Objective GNC1.1). Consistent with Objective GNC1.3, ponds and other aquatic features in the grasslands would also be protected to provide aquatic habitat for this species, and the surrounding grassland would provide dispersal and aestivation habitat. Aquatic features in the protected grasslands in CZ 8 would be maintained and enhanced to provide suitable inundation depth and duration and suitable composition of vegetative cover to support breeding California red-legged frogs (Objective GNC2.5). Additionally, livestock exclusion from streams and ponds and other measures would be implemented as described in CM11 to promote growth of aquatic vegetation with appropriate cover characteristics favorable to California red-legged frogs. Lands protected in CZ 8 would connect with lands protected under the *East Contra Costa County HCP/NCCP* and the extensive Los Vaqueros

Watershed lands, including grassland areas supporting this species. This objective would ensure that California red-legged frog upland and associated aquatic habitats would be protected and enhanced in the largest possible patch sizes adjacent to occupied habitat within and adjacent to the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of tidal freshwater emergent wetland, grassland, valley/foothill riparian, and vernal pool complex that could overlap with the species model, would result in the restoration of 16 acres of aquatic and 351 acres of upland modeled habitat for California red-legged frog. In addition, protection of managed wetland, grassland, valley/foothill riparian, and vernal pool complex could overlap with the species model and would result in the protection of 3 acres of aquatic and 1,047 acres of upland California red-legged frog modeled habitat.

NEPA Effects: In the near-term, the loss of California red-legged frog habitat under Alternative 4 would be not be adverse because the BDCP has committed to protecting and restoring the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of California red-legged frog aquatic and upland habitat associated with Alternative 4, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, AMM14, and AMM37, the effects of Alternative 4 as a whole on California red-legged frog would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impact of conveyance facilities construction would be less than significant under CEQA.

Alternative 4 would result in permanent and temporary effects combined on ~~permanently remove~~ approximately 1 acre of aquatic habitat and ~~53~~ 76 acres of upland terrestrial cover habitat for California red-legged frog. The effects would result from construction of the water conveyance facilities (CM1, ~~46~~ 68 acres and CM11, 8 acres).

Typical CEQA project-level mitigation ratios of 1:1 for restored and 1:1 protected for nontidal wetlands and a ratio of 2:1 for protected grassland habitats would indicate that 1 acre of aquatic habitat should be protected, 1 acre of aquatic habitat should be protected, and ~~106~~ 152 acres of grassland should be protected in for California red-legged frog to mitigate the near-term losses.

The BDCP has committed to near-term protection of up to 2,000 acres grassland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, in this RDEIR/SDEIS). Protection of at least 1,000 acres of grassland in CZ 8, west of Byron Highway, will benefit California red-legged frog by providing habitat in the portion of the Plan Area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas (Objective GNC1.1). Consistent with Objective GNC1.3, ponds and other aquatic features within the grasslands will be protected to provide aquatic habitat for this species, and surrounding grassland will provide dispersal and aestivation habitat which would compensate for the loss of 1 acre of aquatic habitat. In addition, aquatic features in grasslands would be maintained and enhanced to provide suitable inundation depth and duration to support breeding habitat for covered amphibians (Objective GNC2.5~~, BDCP~~ in Chapter 3, *Conservation Strategy*, of the Draft BDCP*).*

These conservation actions would occur in the same timeframe as the construction losses, thereby avoiding adverse effects of habitat loss on California red-legged frog. These Plan objectives represent performance standards for considering the effectiveness of CM3 protection and restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives for California red-legged frog satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures.

The BDCP also contains commitments to implement AMM1–AMM6, AMM10, AMM14, and AMM37. These AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 on California red-legged frog would be less than significant, because the number of acres required to meet the typical ratios described above would be only 1 acre of aquatic habitat restored, 1 acre of aquatic habitat protected, and 106 acres of upland communities protected.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 159 acres of aquatic habitat and 7,766 acres of upland habitat for California red-legged frog. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 1 acre of aquatic habitat and ~~69~~ 92 acres of upland habitat for California red-legged frog for the term of the plan (less than 1% of the total aquatic habitat in the study area and ~~less than~~approximately 1% of the total habitat in the study area). The 1 acre of aquatic habitat that would be permanently lost is not known to be used for breeding. Most of the California red-legged frog upland habitat that would be removed consists of naturalized grassland or cultivated land in a highly disturbed or modified setting on lands immediately adjacent to Clifton Court Forebay. The removed upland cover and dispersal habitat is within 0.5 mile of a cluster of known California red-legged frog occurrences to the west. However, this habitat consists mostly of cultivated lands and small patches of grasslands, and past and current surveys in this area have not found any evidence that this habitat is being used (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS).

The BDCP has committed to long-term protection of up to 8,000 acres grassland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Protection of at least 1,000 acres of grassland in CZ 8 west of Byron Highway would benefit the California red-legged frog by providing habitat in the portion of the study area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas (Objective GNC1.1). Consistent with Objective GNC1.3, ponds and other aquatic features in the grasslands would also be protected to provide aquatic habitat for this species, and the surrounding grassland would provide dispersal and aestivation habitat. Aquatic features in the protected grasslands in CZ 8 would be maintained and enhanced to provide suitable inundation depth and duration and suitable composition of vegetative cover to support breeding California red-legged frogs (Objective GNC2.5).

Additionally, livestock exclusion from streams and ponds and other measures would be implemented as described in CM11 to promote growth of aquatic vegetation with appropriate cover characteristics favorable to California red-legged frogs. Lands protected in CZ 8 would connect with lands protected under the *East Contra Costa County HCP/NCCP* and the extensive Los Vaqueros Watershed lands, including grassland areas supporting this species. This objective would ensure that California red-legged frog upland and associated aquatic habitats would be protected and enhanced in the largest possible patch sizes adjacent to occupied habitat within and adjacent to the Plan Area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of tidal freshwater emergent wetland, grassland, valley/foothill riparian, and vernal pool complex that could overlap with the species model, would result in the restoration of 16 acres of aquatic and 351 acres of upland modeled habitat for California red-legged frog. In addition, protection of managed wetland, grassland, valley/foothill riparian, and vernal pool complex could overlap with the species model and would result in the protection of 3 acres of aquatic and 1,047 acres of upland California red-legged frog modeled habitat.

In the absence of other conservation actions, the losses of California red-legged frog aquatic and upland habitat associated with Alternative 4 would represent ~~an adverse effect~~a significant impact as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and AMM1–AMM6, AMM10, AMM14, and AMM37, the effects of Alternative 4 would have a less-than-significant impact on California red-legged frog.

Impact BIO-45: Indirect Effects of Plan Implementation on California Red-Legged Frog

Noise and visual disturbance outside the project footprint but within 500 feet of construction activities are indirect effects that could temporarily affect the use of California red-legged frog habitat, all of which is upland cover and dispersal habitat. The areas to be affected are near Clifton Court Forebay, and no California red-legged frogs were detected during recent surveys conducted by DWR in this area (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS).

Maintenance and refueling of heavy equipment could result in the inadvertent release of sediment and hazardous substances into species habitat. Increased sedimentation could reduce the suitability of California red-legged frog habitat downstream of the construction area by filling in pools and smothering eggs. Accidental spills of toxic fluids also could result in the subsequent loss of California red-legged frog if these materials enter the aquatic system. Hydrocarbon and heavy metal pollutants associated with roadside runoff also have the potential to enter the aquatic system, affecting water quality and California red-legged frog.

NEPA Effects: Implementation of AMM1–AMM6, AMM10, AMM14, and AMM37 as part of implementing Alternative 4 would avoid the potential for adverse effects on California red-legged frogs, either indirectly or through habitat modifications. These AMMs would also avoid and minimize effects that could substantially reduce the number of California red-legged frogs, or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on California red-legged frog.

CEQA Conclusion: Indirect effects from conservation measure operations and maintenance, as well as construction-related noise and visual disturbances, could impact California red-legged frog in aquatic and upland habitats. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could impact California red-legged frog or its prey. The inadvertent discharge of sediment or excessive dust adjacent to California red-legged frog habitat could also have a negative impact on the species or its prey. With implementation of AMM1–AMM6, AMM10, AMM14, and AMM37~~.~~, Alternative 4 construction, operation, and maintenance under Alternative 4 would avoid the potential for ~~substantial adverse effects~~significant ~~impacts~~impacts on California red-legged frog, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of California red-legged frogs. The indirect effects of BDCP Alternative 4 would have a less-than-significant impact on California red-legged frogs.

California Tiger Salamander

Modeled California tiger salamander habitat in the study area contains two habitat types: terrestrial cover and aestivation habitat, and aquatic breeding habitat and is restricted to CZ 1, CZ 2, CZ 4, CZ 5, CZ 7, CZ 8, and CZ 11 (Figure 12-14). Modeled terrestrial cover and aestivation habitat contains all grassland types and alkali seasonal wetland with a minimum patch size of 100 acres and within a geographic area defined by species records and areas most likely to support the species. Patches of grassland that were below the 100-acre minimum patch size but were contiguous with grasslands outside of the study area boundary were included. Modeled aquatic breeding habitat for the California tiger salamander includes vernal pools and seasonal and perennial ponds.

California tiger salamander occurs within the study area in CZ 8 west of Clifton Court Forebay and in CZ 11 in the Potrero Hills (Figure 12-14). Potential habitat exists in vernal pool habitats in Yolo and Solano Counties (CZs 1, 2, and 3) west of Liberty Island and in the vicinity of Stone Lakes and the Cosumnes River Preserve in Sacramento County (CZ 4). DWR found California tiger salamander west of Clifton Court Forebay in the same vicinity as several of the CNNDB records (California Department of Fish and Wildlife 2013) ~~records~~ (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS). There is also a small, isolated population near Manteca, south of Highway 120 in CZ 7.

Factors considered in assessing the value of affected habitat for California tiger salamander, to the extent that information is available, include presence of limiting habitat (aquatic breeding habitat), known occurrences and clusters of occurrences, proximity of the affected habitat to existing protected lands, and the overall degraded or fragmented nature of the habitat. While conservation measures implemented in other CZs could have potential effects on California tiger salamander, those activities in CZ 8 and CZ 11 are considered to have a proportionately larger effect due to their closer proximity to known occurrences of the species.

Alternative 4 is expected to result in the temporary, permanent, and periodic removal of upland habitat that California tiger salamander uses for cover and dispersal (Table 12-4-21). Potential aquatic habitat for this species would not be affected. While stock ponds are underrepresented as a modeled habitat, none is expected to be affected by BDCP actions. Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP to benefit the California tiger salamander (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Increase the size and connectivity of the reserve system by acquiring lands adjacent to and between existing conservation lands (Objective L1.6, associated with CM3).

- Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative species (Objective L2.6, associated with CM11).
- Protect and improve habitat linkages that allow terrestrial covered and other native species to move between protected habitats within and adjacent to the Plan Area (Objective L3.1, associated with CM3, CM8, and CM11).
- Protect 150 acres of alkali seasonal wetland in CZ 1, CZ 8, and/or CZ 11 among a mosaic of protected grasslands and vernal pool complex (Objective ASWNC1.1, associated with CM3).
- Provide appropriate seasonal flooding characteristics for supporting and sustaining alkali seasonal wetland species (Objective ASWNC2.1, associated with CM3 and CM11).
- Increase burrow availability for burrow-dependent species in grasslands surrounding alkali seasonal wetlands within restored and protected alkali seasonal wetland complex (Objective ASWNC2.3, associated with CM11).
- Protect 600 acres of existing vernal pool complex in in CZ 1, CZ 8, and/or CZ 11, primarily in core vernal pool recovery areas identified in the *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (U.S. Fish and Wildlife Service 2005) (Objective VPNC1.1, associated with CM3).
- Restore vernal pool complex in in CZ 1, CZ 8, and/or CZ 11 to achieve no net loss of vernal pool acreage (up to 67 acres of vernal pool complex restoration, assuming that all anticipated impacts [10 wetted acres] occur and that the restored vernal pool complex has 15% density of vernal pools) (Objective VPNC1.2, associated with CM3 and CM9).
- Increase the size and connectivity of protected vernal pool complex within the Plan Area and increase connectivity with protected vernal pool complex adjacent to the Plan Area (Objective VPNC1.3, associated with CM3).
- Protect the range of inundation characteristics that are currently represented by vernal pools throughout the Plan Area (Objective VPNC1.4, associated with CM3).
- Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
- Restore 2,000 acres of grasslands to connect fragmented patches of protected (Objective GNC1.2, associated with CM3 and CM8).
- Protect stock ponds and other aquatic features within protected grasslands to provide aquatic breeding habitat for native amphibians and aquatic reptiles (Objective GNC1.3, associated with CM3).
- Increase burrow availability for burrow-dependent species (Objective GNC2.3, associated with CM11).
- Maintain and enhance aquatic features in grasslands to provide suitable inundation depth and duration and suitable composition of vegetative cover to support breeding for covered amphibian and aquatic reptile species (Objective GNC2.5, associated with CM11).

As explained below, with the restoration or protection of these amounts of habitat, in addition to the implementation of AMMs, impacts on California tiger salamander would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-21. Changes in California Tiger Salamander Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Aquatic	0	0	0	0	NA	NA
	Upland	~~6~~29	~~6~~29	32	32	NA	NA
Total Impacts CM1		**~~6~~29**	**~~6~~29**	**32**	**32**	**NA**	**NA**
CM2–CM18	Aquatic	0	0	0	0	0	0
	Upland	292	634	0	0	191–639	0
Total Impacts CM2–CM18		**292**	**634**	**0**	**0**	**191–639**	**0**
TOTAL IMPACTS		**~~288~~321**	**~~640~~663**	**32**	**32**	**191–639**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-46: Loss or Conversion of Habitat for and Direct Mortality of California Tiger Salamander

Alternative 4 conservation measures would result in the permanent and temporary loss combined of up to ~~672~~ 695 acres of modeled upland habitat for California tiger salamander (Table 12-4-21). There would be no effects on aquatic habitat. ~~There is one California tiger salamander occurrence that overlaps with the CM1 footprint.~~ Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of RTM, borrow, and spoils areas (CM1), Fremont Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), construction of recreation facilities (CM11), and construction of a conservation fish hatchery (CM18). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate California tiger salamander habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities, including transmission lines, would result in the permanent loss of ~~6~~ 29 acres of upland habitat for California tiger salamander habitat, primarily in CZ 8 (Table 12-4-21). Permanent effects would be associated with RTM, borrow, and spoils areas, grading, paving, excavating, extension and installation of cross culverts, installation of structural hardscape, and installation and relocation of utilities. Construction-related effects would temporarily disturb 32 acres of upland habitat for the California tiger salamander (Table 12-4-21). ~~In addition, there~~There is one California tiger salamander occurrence just south of the City of Byron that overlaps with the area of temporary effects. The area that would be affected by conveyance facilities construction is south of Clifton Court Forebay, where modeled California tiger salamander habitat is of relatively low value in that it consists of fragmented patches of primarily terrestrial habitat surrounded by actively cultivated lands. The highest concentration of California tiger salamander occurrences are in CZ 8 and west of the conveyance facilities alignment, while lands to the east consist primarily of actively cultivated lands that are not suitable for the species. Habitat loss in this area is not expected to contribute to habitat fragmentation or impede important California tiger salamander dispersal.

- *CM2 Yolo Bypass Fisheries Enhancement*: Improvements in the Yolo Bypass would result in the permanent removal of approximately 42 acres of terrestrial cover and aestivation habitat for the California tiger salamander in the late long-term. The modeled habitat in the Yolo Bypass is of low potential for California tiger salamander: There have been no observations of California tiger salamander in this area based on the results of a number of surveys for vernal pool invertebrates and plants and the bypass lacks vernal pool complexes with large, deep pools or large grassland areas with stock ponds and similar aquatic features that hold water long enough to provide potential breeding habitat for this species.

- *CM4 Tidal Natural Communities Restoration*: This activity would result in the permanent removal of approximately 517 acres of terrestrial cover and aestivation habitat in the study area in the late long-term. Tidal restoration in the Cache Slough area would result in habitat loss along the edges of Lindsey Slough and Duck Slough, and adjacent to cultivated land along the eastern edge of a block of modeled habitat. The modeled aquatic breeding habitat nearby the hypothetical tidal restoration footprint is of relatively high value, consisting of vernal pool complex along Lindsey Slough within the Jepson Prairie area in and near open space. The Jepson Prairie area includes numerous California tiger salamander CNDDB recorded occurrences and overlaps with Critical Habitat Unit 2, Jepson Prairie Unit, for this species. However, the hypothetical tidal restoration footprint does not overlap with critical habitat or recorded occurrences in this area. The tidal restoration at Lindsey Slough would occur along the northeastern edge of the Jepson Prairie block of habitat and would not contribute to fragmentation. Because the estimates of habitat loss resulting from tidal inundation are based on projections of where restoration may occur, actual effects are expected to be lower because of the ability to select sites that minimize effects on California tiger salamander.

- *CM11 Natural Communities Enhancement and Management*: Based on the recreation assumptions described in ~~BDCP~~ Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP, an estimated 40 acres of terrestrial cover and aestivation habitat for the California tiger salamander would be removed as a result of constructing trails and associated recreational facilities~~ in CZ 8~~. Passive recreation in the reserve system could result in trampling and disturbance of eggs and larvae in water bodies, degradation of water quality through erosion and sedimentation, and trampling of sites adjacent to upland habitat used for cover and movement. However, *AMM37 Recreation* requires protection of water bodies from recreational activities and requires trail setbacks from wetlands. With these restrictions, recreation related effects on California tiger salamander are expected to be minimal.

Habitat enhancement- and management-related activities in protected California tiger salamander habitats would result in overall improvements to and maintenance of California tiger salamander habitat values over the term of the BDCP. Activities associated with natural communities enhancement and management over the term of the BDCP in protected California tiger salamander habitat, such as ground disturbance or herbicide use to control nonnative vegetation, could result in local adverse habitat effects and injury or mortality of California tiger salamander and disturbance effects if individuals are present in work sites. Implementation of AMM1–AMM6, AMM10, AMM13, and AMM37 would reduce these effects. Herbicides would only be used in California tiger salamander habitat in accordance with the written recommendation of a licensed, registered Pest Control Advisor and in conformance with label precautions and federal, state, and local regulations in a manner that avoids or minimizes harm to the California tiger salamander.

- *CM18 Conservation Hatcheries*: This activity could result in the permanent removal of approximately 35 acres of terrestrial cover and aestivation habitat for California tiger salamander in the Yolo Bypass area (CZ 2). The specifications and operations of this facility have not been developed, although the facility is expected to be constructed near Rio Vista on cultivated lands in low-value habitat for the species.
- Critical habitat: Approximately 1,781 acres of designated Critical Habitat Unit 2, Jepson Prairie Unit, for California tiger salamander overlap the study area in CZ 1. While this area is located within the Cache Slough Complex, it is not expected to be affected by BDCP tidal habitat restoration actions. Tidal habitat would be restored approximately 2 miles east of SR 113, with some restoration taking place along the Barker and Lindsey Slough channels west to approximately SR 113 and a small amount (0.4 acre) taking place along the Lindsey Slough Channel west of SR 113 into Critical Habitat Unit 2.
- Operations and maintenance: Ongoing facilities operation and maintenance is expected to have little if any adverse effect on the California tiger salamander. Postconstruction operation and maintenance of the above-ground water conveyance facilities could result in ongoing but periodic disturbances that could affect California tiger salamander use of the surrounding habitat. Operation of maintenance equipment, including vehicle use along transmission corridors in CZ 8, could also result in injury or mortality of California tiger salamanders if present in work sites. These effects, however, would be minimized with implementation of the California tiger salamander measures described in AMM1–AMM6, AMM10, AMM13, and AMM37.
- Injury and direct mortality: Construction activities associated with the water conveyance facilities, vernal pool complex restoration, and habitat and management enhancement-related activities, including operation of construction equipment, could result in injury or mortality of California tiger salamanders. Foraging, dispersal, and overwintering behavior may be altered during construction activities, resulting in injury or mortality of California tiger salamander if the species is present. Salamanders occupying burrows could be trapped and crushed during ground-disturbing activities. Degradation and loss of estivation habitat is also anticipated to result from the removal of vegetative cover and collapsing of burrows. Injury or mortality would be avoided and minimized through implementation of seasonal constraints and preconstruction surveys in suitable habitat, collapsing unoccupied burrows, and relocating salamanders outside of the construction area as described in AMM1–AMM6, AMM10, AMM13, and AMM37.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA.

Alternative 4 would permanently remove and temporarily affect ~~and temporarily combined remove~~ approximately ~~330~~ 353 acres of upland terrestrial cover habitat for California tiger salamander. There would be no effects on aquatic habitat. The effects would result from construction of the water conveyance facilities (CM1, ~~38~~ 61 acres), Yolo Bypass improvements (CM2, 42 acres), tidal habitat restoration (CM4, 203 acres), construction of recreational facilities (CM11, 12 acres), and construction of conservation hatcheries (CM18, 35 acres).

Typical NEPA project-level mitigation ratios of 2:1 for protected grassland habitats would indicate that ~~636~~ 706 acres of grassland should be protected in the near-term for California tiger salamander to mitigate the near-term losses.

The BDCP has committed to near-term restoration of up to 1,140 acres of upland habitat (Objective GNC1.2) and 40 acres of aquatic habitat and to protection of at least 520 acres of aquatic ~~habitat(~~habitat (Objective ASWNC1.1 and Objective VPNC1.1) and 2,000 acres of upland habitat (Objective GNC1.1). The landscape-scale goals and objectives would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for NEPA purposes.

In addition, the plan contains commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM13 California Tiger Salamander, and AMM37 Recreation*. These AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 8,273 acres of aquatic and 29,459 acres of upland modeled habitat for California tiger salamander. Alternative 4 as a whole would result in the permanent loss of, and temporary effects on, ~~672~~ 695 acres of upland habitat for California tiger salamander for the term of the plan (~~less than~~approximately 2% of the total upland habitat in the study area). The location of these losses is described above in the discussions of CM2, CM4, CM11, and CM18.

The BDCP has committed to long-term protection of 8,000 acres of grassland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, in this RDEIR/SDEIS). Protection of at least 1,000 acres of grassland in CZ 8 west of Byron Highway would benefit the California tiger salamander by providing habitat in the portion of the study area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas (Objective GNC1.1). Consistent with Objective GNC1.3, ponds and other aquatic features in the grasslands would also be protected to provide aquatic habitat for this species, and the surrounding grassland would provide dispersal and aestivation habitat. Aquatic features in the protected grasslands in CZ 8 would be maintained and enhanced to provide suitable inundation depth and duration and suitable composition of vegetative cover to support breeding California tiger salamanders (Objective GNC2.5). Additionally, livestock exclusion from streams and ponds and other measures would be implemented as described in CM11 to promote growth of aquatic vegetation with appropriate cover characteristics favorable to California tiger salamanders. Lands protected in CZ 8 would connect with lands protected under the *East Contra Costa County HCP/NCCP* and the extensive Los Vaqueros Watershed lands, including grassland areas supporting this species. This objective would ensure that California tiger salamander upland and associated aquatic habitats would be protected and enhanced in the largest possible patch sizes adjacent to occupied habitat within and adjacent to the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of alkali seasonal wetland complex, vernal pool complex, and grassland that could overlap with the species model, would result in the restoration of 88 acres of aquatic and 598 acres of upland modeled habitat for California tiger salamander. In addition, protection of alkali seasonal wetland complex, vernal pool complex, and grassland that could overlap with the species model, would result in the protection of 750 acres of aquatic and 5,000 acres of upland California tiger salamander modeled habitat.

***NEPA Effects*:** In the near-term, the loss of California tiger salamander habitat under Alternative 4 would be not be adverse because the BDCP has committed to protecting the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of California tiger salamander upland habitat associated with Alternative 4, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, AMM13, and AMM37, the effects of Alternative 4 as a whole on California tiger salamander would not be adverse.

***CEQA Conclusion*:**

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction impacts would be less than significant under CEQA.

Alternative 4 would permanently and temporarily combined remove approximately ~~318~~ 353 acres of upland terrestrial cover habitat for California tiger salamander. There would be no effects on aquatic habitat. The effects would result from construction of the water conveyance facilities (CM1,

~~38~~ 61 acres), Yolo Bypass improvements (CM2, 42 acres), tidal habitat restoration (CM4, 203 acres) construction of conservation hatcheries (CM18, 35 acres), and construction of recreational facilities (CM11, 12 acres).

Typical CEQA project-level mitigation ratios of 2:1 for protected grassland habitats would indicate that ~~636~~ 706 acres of grassland should be protected in the near-term for California tiger salamander to mitigate the near-term losses.

The BDCP has committed to near-term restoration of 1,140 acres of upland habitat (Objective GNC1.2) and 40 acres of aquatic habitat and to protection of 520 acres of aquatic ~~habitat(~~habitat (Objective ASWNC1.1 and Objective VPNC1.1) and 2,000 acres of upland habitat (Objective GNC1.1). The landscape-scale goals and objectives would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes.

In addition, the plan contains commitments to implement AMM1–6, AMM10, AMM13, and AMM37, which include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C,~~ ~~*Avoidance and Minimization Measures*~~. These commitments are more than sufficient to support the conclusion that the near-term impacts of Alternative 4 on California tiger salamander would be less than significant, because the number of acres required to meet the typical ratios described above would be only 636 acres of upland communities protected.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 8,273 acres of aquatic and 29,459 acres of upland habitat for California tiger salamander. Alternative 4 as a whole would result in the permanent loss of, and temporary effects on, ~~672~~ 695 acres of upland habitat for California tiger salamander for the term of the plan (~~less than~~approximately 2% of the total upland habitat in the study area). The location of these losses is described above in the discussions of CM1, CM2, CM4, and CM18.

Implementation of BDCP conservation components would result in protection of at least 8,000 acres of grasslands, 600 acres of vernal pool complex and 150 acres of alkali seasonal wetland complex in CZ 1, CZ 8, and CZ 11, and restoration of 2,000 acres of grasslands and 67 acres of vernal pool complex, all of which would benefit California tiger salamander. The protection and restoration would provide habitat in the portions of the study area with the highest long-term conservation value for the species based on known species occurrences and large, contiguous habitat areas. Ponds and other aquatic features in the grasslands would be protected to provide aquatic habitat for this species, and surrounding grassland would provide dispersal and aestivation habitat. Protected grassland and vernal pool complex in CZ 8 would connect with the East Contra Costa County HCP/NCCP reserve system, including grassland areas supporting this species. Protected lands in CZ 11 would connect with the future Solano County reserve system, including grassland and vernal pool complex areas supporting this species. The larger habitat area and improved connectivity would increase opportunities for genetic exchange and allow for colonization of restored habitats in areas where the species has been extirpated. Protecting seasonal ponds associated with grasslands would ensure that California tiger salamander aquatic habitat and associated uplands would be preserved and enhanced in the largest possible patch sizes adjacent to occupied habitat within and adjacent to the study area. Grassland restoration would focus specifically on connecting fragmented patches of protected grasslands, thereby increasing dispersal opportunities for the California tiger salamander. Grasslands would be enhanced to increase burrow availability to provide refugia and cover for aestivating and dispersing California tiger salamanders.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of alkali seasonal wetland complex, vernal pool complex, and grassland that could overlap with the species model, would result in the restoration of 88 acres of aquatic and 598 acres of upland modeled habitat for California tiger salamander. In addition, protection of alkali seasonal wetland complex, vernal pool complex, and grassland that could overlap with the species model, would result in the protection of 750 acres of aquatic and 5,000 acres of upland California tiger salamander modeled habitat. In the absence of other conservation actions, the losses of California tiger salamander upland habitat associated with Alternative 4 would represent ~~an adverse effect~~a significant impact as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, AMM13, and AMM37, which would be in place throughout the construction phase, the impacts of Alternative 4 as a whole on California tiger salamander would not be significant.

Impact BIO-47: Indirect Effects of Plan Implementation on California Tiger Salamander

Indirect effects could occur outside of the construction footprint but within 500 feet of California tiger salamander habitat. Activities associated with conservation component construction and ongoing habitat enhancement, as well as operation and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances with localized effects on California tiger salamander and its habitat, and temporary noise and visual disturbances over the term of the BDCP. Most of the areas indirectly affected are associated with the construction of Byron Forebay and its borrow and spoil areas in CZ 8.

Maintenance and refueling of heavy equipment could result in the inadvertent release of sediment and hazardous substances into species habitat. Increased sedimentation could reduce the suitability of California tiger salamander habitat downstream of the construction area by filling in pools and smothering eggs. Accidental spills of toxic fluids into the aquatic system could result in the subsequent loss of California tiger salamander habitat. Hydrocarbon and heavy metal pollutants associated with roadside runoff also have the potential to enter the aquatic system, affecting water quality and California tiger salamander.

***NEPA Effects*:** Implementation of AMM1–AMM6, AMM10, AMM13, and AMM37 under Alternative 4 would avoid or minimize the potential for adverse effects on California tiger salamanders, either indirectly or through habitat modifications. These AMMs would also avoid and minimize effects that could substantially reduce the number of California tiger salamanders or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on California tiger salamander.

CEQA Conclusion: Indirect effects resulting from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact California tiger salamander in aquatic and upland habitats. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could impact California tiger salamander or its prey. The inadvertent discharge of sediment or excessive dust adjacent to California tiger salamander habitat could also have a negative impact on the species or its prey. With implementation of AMM1–AMM6, AMM10, AMM13, and AMM37 as part of Alternative 4, the BDCP would avoid the potential for ~~substantial adverse effects~~significant impacts on California tiger salamander, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of California tiger salamanders. The indirect effects of Alternative 4 would have a less-than-significant impact on California tiger salamander.

Impact BIO-48: Periodic Effects of Inundation of California Tiger Salamander Habitat as a Result of Implementation of Conservation Components

CM2 Yolo Bypass Fisheries Enhancement is the only conservation measure expected to result in periodic inundation of California tiger salamander habitat. Periodic inundation of Yolo Bypass could affect from an estimated 191 acres of terrestrial habitat during a notch flow of 1,000 cfs, to an estimated 639 acres of terrestrial habitat during a notch flow of 4,000 cfs in CZ 1 (Table 12-4-21). This effect would only occur during an estimated maximum of 30% of years and in areas that are already inundated in more than half of all years; therefore, these areas are expected to provide only marginal terrestrial habitat for the California tiger salamander under Existing Conditions. No aquatic breeding habitat would be affected (Table 12-4-21): the modeled habitat in the Yolo Bypass, in the vicinity of terrestrial habitat is of low value in that there are no California tiger salamander records in this area and the bypass lacks vernal pool complexes with large, deep pools, or large grassland areas with stock ponds and similar aquatic features that provide the habitat of highest value for this species. Therefore, the terrestrial habitat that would be affected has a small likelihood of supporting California tiger salamanders, and Yolo Bypass operations are expected to have a minimal effect on the species, if any.

NEPA Effects: The effects of periodic inundation from Alternative 4 would not have an adverse effect on California tiger salamander.

CEQA Conclusion: Flooding of the Yolo Bypass from Fremont Weir operations would periodically increase the frequency and duration of inundation of 191–639 acres of terrestrial habitat for California tiger salamander. Because this area is considered low-value habitat and there are no California tiger salamander records in the area, and because of the lack of suitable breeding habitat in this area, the effects of periodic inundation of California tiger salamander habitat from Alternative 4 would have a less-than-significant impact**.**

Giant Garter Snake

The habitat model used to assess effects for the giant garter snake is based on aquatic habitat and upland habitat. Modeled aquatic habitat is composed of tidal perennial aquatic (except in Suisun Marsh), tidal freshwater perennial emergent wetland, nontidal freshwater emergent wetland, and nontidal perennial aquatic natural communities; rice fields; and artificial canals and ditches. Modeled upland habitat is composed of all nonwetland and nonaquatic natural communities (primarily grassland and cropland) within 200 feet of modeled aquatic habitat features. The modeled upland habitat is ranked as high-, moderate-, or low-value based on giant garter snake associations between vegetation and cover types (U.S. Fish and Wildlife Service 2012) and historical and recent occurrence records (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS*

Environmental Data Report, of the Draft EIR/EIS), and presence of features necessary to fulfill the species' life cycle requirements. Modeled habitat is expressed in acres for aquatic and upland habitats, and in miles for linear movement corridors in aquatic habitat. Other factors considered in assessing the value of affected habitat for the giant garter snake, to the extent that information is available, are proximity to conserved lands and recorded occurrences of the species, proximity to giant garter snake subpopulations (Yolo Basin/Willow Slough and Coldani Marsh/White Slough) in the study area that are identified in the draft recovery plan for this species (U.S. Fish and Wildlife Service 1999b), and contribution to connectivity between giant garter snake subpopulations.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of giant garter snake modeled habitat as indicated in Table 12-4-22. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP to benefit the giant garter snake (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative species (Objective L2.6, associated with CM11).
- Within the 65,000 acres of tidal natural communities (L1.3), restore or create 24,000 acres of tidal freshwater emergent wetland in CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, and/or CZ 7 (Objective TFEWNC1.1, associated with CM3 and CM4).
- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities, with suitable habitat characteristics for giant garter snake and western pond turtle (Objective NFEW/NPANC1.1, associated with CM3 and CM10).
- Protect 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3 and CM11).
- Target cultivated land conservation to provide connectivity between other conservation lands (Objective CLNC1.2, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3 and CM11).
- Of the at least 1,200 acres of nontidal marsh created under (Objective NFEW/NPANC1.1), create 600 acres of aquatic habitat giant garter snake aquatic habitat that is connected to the 1,500 acres of rice land or equivalent-value habitat described below in Objective GGS1.4 (Objective GGS1.1, associated with CM3, CM4, and CM10).
- Of the 8,000 acres of grassland protected under Objective GNC1.1 and 2,000 acres restored under Objective GNC1.2, create or protect 200 acres of high-value upland giant garter snake habitat adjacent to the at least 600 acres of nontidal perennial habitat being restored and/or created in CZ 4 and/or CZ 5 (Objective GGS1.2, associated with CM3 and CM8).
- Protect giant garter snakes on restored and protected nontidal marsh and adjacent uplands (Objectives GGS1.1 and GGS1.2) from incidental injury or mortality by establishing 200-foot buffers between protected giant garter snake habitat and roads (other than those roads

primarily used to support adjacent cultivated lands and levees). Establish giant garter snake reserves at least 2,500 feet from urban areas or areas zoned for urban development (Objective GGS1.3, associated with CM3).

- Create connections from the White Slough population to other areas in the giant garter snake's historical range in the Stone Lakes vicinity by protecting, restoring, and/or creating at least 1,500 acres of rice land or equivalent-value habitat (e.g., perennial wetland) for the giant garter snake in CZ 4 and/or CZ 5. Any portion of the 1,500 acres may consist of tidal freshwater emergent wetland and may overlap with the 24,000 acres of tidally restored freshwater emergent wetland if it meets specific giant garter snake habitat criteria described in CM4. Up to 500 (33%) of the 1,500 acres may consist of suitable uplands adjacent to protected or restored aquatic habitat (Objective GGS1.4, associated with CM3 and CM4).
- Of the at least 1,200 acres of nontidal marsh created under Objective NFEW/NPANC1.1, create 600 acres of connected aquatic giant garter snake habitat outside the Yolo Bypass in CZ 2 (Objective GGS2.1, associated with CM3 and CM10).
- Of the 8,000 acres of grasslands protected under Objective GNC1.1 and the 2,000 acres restored under Objective GNC1.2, create or protect 200 acres of high-value upland habitat adjacent to the 600 acres of nontidal marsh created in CZ 2 outside of Yolo Bypass (GGS2.1) (Objective GGS2.2, associated with CM3 and CM8).
- To expand upon and buffer the newly restored/created nontidal perennial habitat in CZ 2, protect 700 acres of cultivated lands, with 500 acres consisting of rice land and the remainder consisting of compatible cultivated land that can support giant garter snakes. The cultivated lands may be a subset of lands protected for the cultivated lands natural community and other covered species (Objective GGS2.3, associated with CM3).
- Protect giant garter snakes on created nontidal marsh (Objective GGS2.1) and created or protected adjacent uplands (Objective GGS2.2) from incidental injury or mortality by establishing 200-foot buffers between protected giant garter snake habitat and roads, and establishing giant garter snake reserves at least 2,500 feet from urban areas or areas zoned for urban development (Objective GGS2.4, associated with CM3).
- Protect, restore, and/or create 2,740 acres of rice land or equivalent-value habitat (e.g., perennial wetland) for the giant garter snake in CZ 1, CZ 2, CZ 4, or CZ 5. Up to 500 acres may consist of tidal freshwater emergent wetland and may overlap with the at least 5,000 acres of tidally restored freshwater emergent wetland in the Cache Slough ROA if this portion meets giant garter snake habitat criteria specified in CM4. Up to 1,700 acres may consist of rice fields in the Yolo Bypass if this portion meets the criteria specified in CM3, *Reserve Design Requirements by Species*. Any remaining acreage will consist of rice land or equivalent-value habitat outside the Yolo Bypass. Up to 915 (33%) of the 2,740 acres may consist of suitable uplands adjacent to protected or restored aquatic habitat (Objective GGS3.1, associated with CM3, CM4, and CM10).

As explained below, with the restoration or protection of these amounts of habitat, in addition to the implementation of AMMs, impacts on giant garter snake would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-22. Changes in Giant Garter Snake Modeled Habitat Associated with Alternative 4[a]

Conservation Measure[b]	Habitat Type[c]	Permanent NT	Permanent LLT[d]	Temporary NT	Temporary LLT[d]	Periodic[e] CM2	Periodic[e] CM5
CM1	Aquatic (acres)	~~83~~217	~~83~~217	~~68~~120	~~68~~120	NA	NA
	Upland (acres)	~~411~~455	~~411~~455	~~188~~193	~~188~~193	NA	NA
	Aquatic (miles)	13	13	~~6~~7	~~6~~7	NA	NA
Total Impacts CM1 (acres)		**~~494~~672**	**~~494~~672**	**~~256~~313**	**~~256~~313**	**NA**	**NA**
CM2–CM18	Aquatic (acres)	179	498	15	38	NA	NA
	Upland (acres)	1,467	2,443	219	261	582–1,402	606
	Aquatic (miles)	49	189	9	10	NA	NA
Total Impacts CM2–CM18 (acres)		**1,646**	**2,941**	**234**	**299**	**582–1,402**	**606**
TOTAL IMPACTS CM1–CM18 (acres)		**~~2,140~~ 2,318**	**~~3,435~~ 3,613**	**~~490~~ 547**	**~~555~~612**	**582–1,402**	**606**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] Aquatic acres represent tidal and nontidal habitat combined, and upland acres represent low-, moderate-, and high-value acreages combined.
[d] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[e] Periodic effects were estimated for the late long-term only. CM2 periodic impacts on upland habitats only are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-49: Loss or Conversion of Habitat for and Direct Mortality of Giant Garter Snake

Alternative 4 conservation measures would result in the permanent and temporary loss combined of up to ~~687~~ 873 acres of modeled aquatic habitat (tidal and nontidal combined), up to ~~3,303~~3,352 acres of modeled upland habitat, and up to ~~218~~ 219 miles of channels providing aquatic movement habitat for the giant garter snake (Table 12-4-22). ~~There are three giant garter snake occurrences that overlap with the Plan footprint (insert Figure XX).~~ Conservation measures that would result in these losses are conveyance facilities and transmission line construction, geotechnical investigation, and establishment and use of RTM, borrow, and spoils areas (CM1), Fremont Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), and construction of a conservation fish hatchery (CM18). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available giant garter snake habitat and are expected to result in overall improvements to and maintenance of giant garter snake habitat values. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate giant garter snake habitat. Each of these individual activities is described below. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- CM1 Water Facilities and Operation: Construction of Alternative 4 conveyance facilities would result in the permanent loss of approximately ~~494~~ 672 acres of modeled giant garter snake habitat, composed of ~~83~~ 217 acres of aquatic habitat and ~~411~~ 455 acres of upland habitat (Table 12-4-22). The ~~411~~ 455 acres of upland habitat that would be removed for the construction of the conveyance facilities consists of ~~172~~ 130 acres of high-, ~~221~~ 292 acres of moderate-, and ~~18~~ 33 acres of low-value habitat. In addition, approximately 13 miles of channels providing giant garter snake movement habitat would be removed as a result of conveyance facilities construction. Development of the water conveyance facilities would also result in the temporary removal of up to ~~68~~ 120 acres of giant garter snake aquatic habitat and up to ~~188~~ 193 acres of adjacent upland habitat in areas near construction and geotechnical investigation in CZ 5 and CZ 6 (see Table 12-4-22 and the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS). In addition, approximately ~~6~~ 7 miles of channels providing giant garter snake movement habitat would be temporarily removed as a result of conveyance facilities construction. There are three giant garter snake occurrences in the vicinity of the CM1 construction footprint in Snodgrass Slough and Middle River.

  Most of the habitat to be lost is in CZ 6 on Mandeville Island. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Water facilities construction and operation is expected to have low to moderate potential for adverse effects on giant garter snake aquatic habitat on Mandeville Island because it is not located near or between populations identified in the draft recovery plan. An estimated ~~222~~ 301 of the ~~496~~ 672 acres would be lost as storage areas for reusable tunnel material, which would likely be moved to other sites for use in levee build-up and restoration, and the affected area would likely be restored: while this effect is categorized as permanent because there is no assurance that the material would eventually be moved, the effect would likely be temporary. Furthermore, the amount of storage area needed for reusable tunnel material is flexible and the footprint used in the effects analysis is based on a worst case scenario: the actual area to be affected by reusable tunnel material storage would likely be less than the estimated acreage.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction activity associated with fisheries improvements in the Yolo Bypass would result in the permanent and temporary removal of approximately 83 acres of aquatic habitat and 458 acres of upland habitat for the giant garter snake in the late long-term. The upland habitat that would be removed is composed of 336 acres of high-value, 121 acres of moderate-value, and 1 acre of low-value habitat. Approximately 14 miles (less than 1% of total miles in Plan Area) of channels providing giant garter snake habitat for movements would be removed as a result of Freemont Weir/Yolo Bypass Improvements. Most of this habitat removal would occur at the north end of the Yolo Bypass, near Fremont Weir. Construction is expected to have adverse effects on giant garter snake aquatic habitat in the Yolo Bypass area because it is near the Yolo Basin/Willow Slough subpopulation.

  In addition to habitat loss from construction related activities in Yolo Bypass, late season flooding in the bypass may result in loss of rice habitat (considered aquatic habitat for giant garter snake) by precluding the preparation and planting of rice fields. The methods for estimating loss of rice in the bypass and results are provided in Draft BDCP Appendix 5.J, Attachment 5J.E, *Estimation of BDCP Impact on Giant Garter Snake Summer Foraging Habitat in the Yolo Bypass.* This analysis concludes that the estimated loss of rice is 1,662 acres which was considered to occur late long-term.

- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration would result in the permanent loss of approximately 395 acres of aquatic habitat and 2,123 acres of upland habitat for the giant garter snake to tidal marsh in the late long-term. The upland habitat affected by tidal inundation includes 594 acres of high-value, 1,375 acres of moderate-value, and 154 acres of low-value habitat. In addition, approximately 138 miles of channels providing giant garter snake movement habitat would be removed as a result of tidal natural communities restoration.

  Most of the effects of tidal natural communities restoration would occur in the Cache Slough and Yolo Bypass areas (CZ 1 and CZ 2). This aquatic habitat is of low to moderate value: it is in and near Category 1 open space but is not near any giant garter snake occurrences and is not near or between giant garter snake subpopulations identified in the draft recovery plan. Tidal natural communities restoration is expected to have little to no adverse effects on giant garter snake aquatic or upland habitat in the Cache Slough ROA. There are no giant garter snake occurrences in this area, which is already tidally influenced so it has limited value for the giant garter snake (giant garter snakes may occur in tidally muted areas but are not likely to use aquatic areas with a strong tidal influence).

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration in the south Delta (CZ 7) would result in the permanent and temporary removal of approximately 60 acres of aquatic habitat and 89 acres of upland habitat for giant garter snake. The upland habitat to be removed is composed of 51 acres of moderate-value and 38 acres of low-value upland habitat. Approximately 2 miles of channels providing giant garter snake movement habitat would be removed as a result of floodplain restoration. Seasonally inundated floodplain restoration is expected to have little to no adverse effects on giant garter snake aquatic habitat because the site is not located near or between giant garter snake populations identified in the draft recovery plan. As with CM4, the estimates of the effect of seasonal floodplain levee construction and inundation are based on projections of where restoration may occur. Actual effects are expected to be lower because sites would be selected to minimize effects on giant garter snake habitat.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of giant garter snake habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available giant garter snake habitat and are expected to result in overall improvements to and maintenance of giant garter snake habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal because vegetation removal would occur around existing infrastructure and roads where giant garter snake are not as likely to be present. Any of these minor impacts ~~and~~ would be avoided and minimized by the AMMs listed below.

  Passive recreation in the reserve system could result in human disturbance of giant garter snakes basking in upland areas and compaction of upland burrow sites used for brumation.

However, AMM37, described in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~Appendix 3.C, *Avoidance and Minimization Measures*~~, requires setbacks for trails in giant garter snake habitat. With this measure in place, recreation related effects on giant garter snake are expected to be minimal.

- *CM18 Conservation Hatcheries*: Construction for conservation hatcheries could result in the permanent removal of 35 acres of moderate-value upland habitat for the giant garter snake in the Yolo Bypass area (CZ 2).
- Operations and maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect giant garter snake use of the surrounding habitat in the Yolo Bypass, the Cache Slough area, and the north and south Delta (CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, CZ 7, and CZ 8). Maintenance activities would include vegetation management, levee and structure repair, and regrading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.
- Injury and direct mortality: Construction vehicle activity may cause injury or mortality of the giant garter snake. If snakes reside where activities take place (most likely in the vicinity of the two subpopulations: Yolo Basin/Willow Slough [CZ 2] and the Coldani Marsh/White Slough [CZ 4]), the operation of equipment for land clearing, construction, conveyance facilities operation and maintenance, and habitat restoration, enhancement, and management could result in injury or mortality of giant garter snakes. This risk is highest from late fall through early spring, when the snakes are dormant. Increased vehicular traffic associated with BDCP actions could contribute to a higher incidence of road kill. However, preconstruction surveys would be implemented after the project planning phase and prior to any ground-disturbing activity. Any disturbance to suitable aquatic and upland sites in or near the project footprint would be avoided to the extent feasible, and the loss of aquatic habitat and grassland vegetation would be minimized through adjustments to project design, as practicable. Construction monitoring and other measures would be implemented to avoid and minimize injury or mortality of this species during construction as described in *AMM16 Giant Garter Snake*.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA.

Alternative 4 would permanently and temporarily remove ~~345~~ 531 acres of aquatic habitat and ~~2,285~~2,334 acres of upland habitat for giant garter snake in the study area during the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~151~~ 337 acres of aquatic and ~~599~~ 648 acres of upland habitat), Yolo Bypass fisheries improvements (CM2, 83 acres of aquatic and 458 acres of upland habitat), from tidal restoration (CM4, 111 acres of aquatic and 1,193 acres of upland habitat), and conservation hatcheries (CM18, 35 acres of upland habitat). The aquatic habitat losses would occur in tidal and nontidal wetland natural communities and rice fields. The upland habitat losses would occur in cropland and grassland communities. In addition, approximately ~~77~~ 78 miles of channels (irrigation and drainage canals) providing giant garter snake movement habitat would be removed. The habitat model likely overestimates the relative value of irrigation and drainage canals in the vicinity of White Slough and south due to its proximity to records that likely represent single displaced snakes, not viable populations.

Typical NEPA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for giant garter snake in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection of aquatic habitats and 2:1 for protection of upland habitats. Using these ratios would indicate that ~~345~~ 531 acres of aquatic habitat should be restored, ~~345~~ 531 acres of aquatic habitat should be protected, and ~~4,570~~4,668 acres of upland habitat should be protected for giant garter snake to mitigate the near-term losses.

The BDCP has committed to near-term restoration of up to 8,100 acres of aquatic habitat and up to 1,140 acres of upland habitat, and to protection of at least 16,900 acres of upland habitat. Lands to be protected and restored in the near-term specifically for the giant garter snake total 3,900 acres (400 acres nontidal marsh, 400 acres of grassland, 700 acres of cultivated lands including at least 500 acres of rice in CZ 2, and acres of rice or habitat of equivalent value in CZ 2~~, CZ~~, CZ 4, and CZ 5. Additionally, 2,400 acres of rice or habitat equivalent (1,500 acres under Objective GGS1.4 and ~~900 acres~~900 acres under Objective GGS3.1) would be restored or protected to create connections from the Coldani Marsh/White Slough population to other areas in the giant garter snake historical range. Additionally, 900 of the 2,400 acres of rice land or habitat of equivalent value would be protected and restored for the giant garter snake to achieve a 1:1 ratio of habitat conserved to habitat affected (habitat affected includes uplands periodically flooded and rice lost due to late season flooding in Yolo Bypass as a result of CM2) (Objective GGS3.1). An unknown number of irrigation and drainage ditches located in cultivated lands and suitable for giant garter snake movement would be maintained and protected within the reserve system, which would include isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3).

These habitat protection and restoration measures would benefit the giant garter snake and the plan's species-specific biological goals and objectives would inform the near-term protection and restoration efforts. Protecting and expanding existing giant garter snake subpopulations, and providing connectivity between protected areas, is considered the most effective approach to giant garter snake conservation in the Plan Area. The Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations are the only known populations of giant garter snakes in the Plan Area and are identified as important for the recovery of the species in the draft recovery plan for the species (U.S. Fish and Wildlife Service 1999b). Implementation actions that target giant garter snake habitat would focus on these two important subpopulations.

The species-specific biological goals and objectives would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for NEPA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be not be adverse under NEPA, because the number of acres required to meet the typical ratios described above would be only ~~345~~ 531 acres of aquatic communities restored, ~~345~~ 531 acres of aquatic communities protected, and ~~4,570~~4,668 acres of upland communities protected.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 Barge Operations Plan, AMM10 Restoration of Temporarily Affected Natural Communities, AMM16 Giant Garter Snake, and AMM37 Recreation*. All of these AMMs include elements that avoid or minimize the risk of BDCP activities affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 31,281 acres of aquatic and 53,285 acres of upland habitat for giant garter snake. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~687~~ 873 acres of aquatic habitat and to ~~3,303~~3,352 acres of upland habitat for giant garter snake during the term of the plan (3% of the total aquatic habitat and 6% of the total upland habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The BDCP has committed to protecting 8,000 acres of grassland and 48,625 acres of cultivated lands in the study area, and restoring 25,100 acres tidal and nontidal wetlands and 2,000 acres of grasslands in the study area. Lands to be protected and restored specifically for the giant garter snake total 6,540 acres (1,200 acres nontidal marsh, 400 acres of grassland, 700 acres of cultivated lands including at least 500 acres of rice in CZ 2, and acres of rice or habitat of equivalent value in CZ 2, CZ 4, and CZ 5. Additionally, 4,240 acres of rice or habitat equivalent (1,500 acres under Objective GGS1.4 and 2,740 acres under Objective GGS3.1) would be restored or protected to create connections from the Coldani Marsh/White Slough population to other areas in the giant garter snake historical range. Additionally, the 2,740 acres of rice land or habitat of equivalent value under Objective GGS3.1 would be protected and restored for the giant garter snake to achieve a 1:1 ratio of habitat conserved to habitat affected (habitat affected includes uplands periodically flooded and rice lost due to late season flooding in Yolo Bypass as a result of CM2) (Objective GGS3.1). In addition to the 6,540 acres of high value habitat targeted specifically for giant garter snake, the protection and restoration of other natural communities is expected to provide additional restoration of 4,430 acres and protection of 3,733 acres of garter snake habitat.

Protection and management of cultivated lands (CM3 and CM11) would also benefit the giant garter snake by providing connectivity and maintaining irrigation and drainage channels that provide aquatic habitat for the snake. Assuming the length of canals and ditches providing giant garter snake movement habitat on the protected cultivated lands is proportional to the modeled habitat on cultivated lands in the Plan Area, the 48,625 acres of protected cultivated lands would support approximately 281 miles of movement habitat for the giant garter snake (2,784 miles multiplied by 0.101 [48,625 acres protected of 481,909 acres in Plan Area]).

Giant garter snake habitat would be restored and protected specifically, to conserve and expand the Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations of the giant garter snake. Protecting and expanding existing giant garter snake subpopulations, and providing connectivity between protected areas, is considered the most effective approach to giant garter snake conservation in the Plan Area. The Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations are the only known subpopulations of giant garter snakes in the Plan Area and are identified as important for the recovery of the species in the draft recovery plan for the species (U.S. Fish and Wildlife Service 1999b). Implementation actions that target giant garter snake habitat would focus on these two important subpopulations.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of managed wetland, nontidal freshwater perennial emergent wetland, nontidal perennial aquatic, tidal freshwater emergent wetland, alkali seasonal wetland, grassland, and vernal pool complex that could overlap with the species model, would result in the restoration of 3,450 acres of aquatic and 980 acres of upland modeled habitat for giant garter snake. In addition, protection of cultivated land, grassland, alkali seasonal wetland, and vernal pool complex could overlap with the species model and would result in the protection of 1,547 acres of aquatic and 2,185 acres of upland giant garter snake modeled habitat.

NEPA Effects: In the near-term, the loss of giant garter snake habitat under Alternative 4 would not be adverse because the BDCP has committed to protecting and restoring the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of giant garter snake habitat associated with Alternative 4, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM7, AMM10, AMM16, and AMM37, the effects of Alternative 4 as a whole on giant garter snake would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA.

Alternative 4 would permanently and temporarily remove ~~345~~ 531 acres of aquatic habitat and ~~2,285~~2,334 acres of upland habitat for giant garter snake in the study area during the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~151~~ 337 acres of aquatic and ~~599~~ 648 acres of upland habitat), Yolo Bypass fisheries improvements (CM2, 83 acres of aquatic and 458 acres of upland habitat), from tidal restoration (CM4, 111 acres of aquatic and 1,193 acres of upland habitat), and conservation hatcheries (CM18, 35 acres of upland habitat). The aquatic habitat losses would occur in tidal and nontidal wetland natural communities and rice fields. The upland habitat losses would occur in cropland and grassland communities. In addition, approximately 77 miles of channels (irrigation and drainage canals~~) providing~~) providing giant garter snake movement habitat would be removed. The habitat model likely overestimates the relative value of irrigation and drainage canals in the vicinity of White Slough and south due to its proximity to records that likely represent single displaced snakes, not viable populations.

Typical CEQA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for giant garter snake in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection of aquatic habitats and 2:1 for protection of upland habitats. Using these ratios would indicate that ~~345~~ 531 acres of aquatic habitat should be restored, ~~345~~ 531 acres of aquatic habitat should be protected, and ~~4,570~~4,668 acres of upland habitat should be protected for giant garter snake to mitigate the near-term losses.

The BDCP has committed to near-term restoration of up to 8,100 acres of aquatic habitat and up to 1,140 acres of upland habitat, and to protection of at least 16,900 acres of upland habitat. ~~Lands to~~Lands to be protected and restored in the near term specifically for the giant garter snake total 3,900 acres (400 acres nontidal marsh, 400 acres of grassland, 700 acres of cultivated lands including at least 500 acres of rice in CZ 2, and acres of rice or habitat of equivalent value in CZ 2~~, CZ~~, CZ 4, and CZ 5. Additionally, 2,400 acres of rice or habitat equivalent (1,500 acres under Objective GGS1.4 and ~~900 acres~~900 acres under Objective GGS3.1) would be restored or protected to create connections from the Coldani Marsh/White Slough population to other areas in the giant garter snake historical range. Additionally, 900 of the 2,400 acres of rice land or habitat of equivalent value would be protected and restored for the giant garter snake to achieve a 1:1 ratio of habitat conserved to habitat affected (habitat affected includes uplands periodically flooded and rice lost due to late season flooding in Yolo Bypass as a result of CM2) (Objective GGS3.1). An unknown number of irrigation and drainage ditches located in cultivated lands and suitable for giant garter snake movement would be maintained and protected within the reserve system, which would include isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3).

These habitat protection and restoration measures would benefit the giant garter snake and the plan's species-specific biological goals and objectives would inform the near-term protection and restoration efforts. Protecting and expanding existing giant garter snake subpopulations, and providing connectivity between protected areas, is considered the most effective approach to giant garter snake conservation in the Plan Area. The Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations are the only known subpopulations of giant garter snakes in the Plan Area and are identified as important for the recovery of the species in the draft recovery plan for the species (U.S. Fish and Wildlife Service 1999b). Implementation actions that target giant garter snake habitat would focus on these two important subpopulations.

The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA, because the number of acres required to meet the typical ratios described above would be only ~~345~~ 531 acres of aquatic communities restored, ~~345~~ 531 acres of aquatic communities protected, and ~~4,570~~4,668 acres of upland communities protected.

The Plan also includes commitments to implement AMM1–AMM7, AMM10, AMM16, and AMM37. All of these AMMs include elements that avoid or minimize the risk of BDCP activities affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 31,281 acres of aquatic and 53,285 acres of upland habitat for giant garter snake. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~687~~ 873 acres of aquatic habitat and to ~~3,303~~3,352 acres of upland habitat for giant garter snake during the term of the plan (3% of the total aquatic habitat in the study area and 6% of the total upland habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The BDCP has committed to protecting 8,000 acres of grassland and 48,625 acres of cultivated lands in the study area, and restoring 25,100 acres tidal and nontidal wetlands and 2,000 acres of grasslands in the study area. Lands to be protected and restored specifically for the giant garter snake total 6,540 acres (1,200 acres nontidal marsh, 400 acres of grassland, 700 acres of cultivated lands including at least 500 acres of rice in CZ 2, and acres of rice or habitat of equivalent value in CZ 2, CZ 4, and CZ 5. Additionally, 4,240 acres of rice or habitat equivalent (1,500 acres under Objective GGS1.4 and 2,740 acres under Objective GGS3.1) would be restored or protected to create connections from the Coldani Marsh/White Slough population to other areas in the giant garter snake historical range. Additionally, the 2,740 acres of rice land or habitat of equivalent value under Objective GGS3.1 would be protected and restored for the giant garter snake to achieve a 1:1 ratio of habitat conserved to habitat affected (habitat affected includes uplands periodically flooded and rice lost due to late season flooding in Yolo Bypass as a result of CM2). In addition to the 6,540 acres of high-value habitat targeted specifically for giant garter snake, the protection and restoration of other natural communities is expected to provide additional restoration of 4,430 acres and protection of 3,733 acres of garter snake habitat.

Protection and management of cultivated lands (*CM3 and CM11)* would also benefit the giant garter snake by providing connectivity and maintaining irrigation and drainage channels that provide aquatic habitat for the snake. Assuming the length of canals and ditches providing giant garter snake movement habitat on the protected cultivated lands is proportional to the modeled habitat on cultivated lands in the Plan Area, the 48,625 acres of protected cultivated lands would support approximately 281 miles of movement habitat for the giant garter snake (2,784 miles multiplied by 0.101 [48,625 acres protected of 481,909 acres in Plan Area]).

Giant garter snake habitat would be restored and protected specifically, to conserve and expand the Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations of the giant garter snake. Protecting and expanding existing giant garter snake subpopulations, and providing connectivity between protected areas, is considered the most effective approach to giant garter snake conservation in the Plan Area. The Coldani Marsh/White Slough and Yolo Basin/Willow Slough subpopulations are the only known populations of giant garter snakes in the Plan Area and are identified as important for the recovery of the species in the draft recovery plan for the species (U.S. Fish and Wildlife Service 1999b). Implementation actions that target giant garter snake habitat would focus on these two important subpopulations.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of managed wetland, nontidal freshwater perennial emergent wetland, nontidal perennial aquatic, tidal freshwater emergent wetland, alkali seasonal wetland, grassland, and vernal pool complex that could overlap with the species model, would result in the restoration of 3,450 acres of aquatic and 980 acres of upland modeled habitat for giant garter snake. In addition, protection of cultivated land, grassland, alkali seasonal wetland, and vernal pool complex could overlap with the species model and would result in the protection of 1,547 acres of aquatic and 2,185 acres of upland giant garter snake modeled habitat.

The BDCP also includes AMM1–AMM7, AMM10, AMM16, and AMM37, which are directed at minimizing or avoiding potential impacts on adjacent habitats during construction and operation of the conservation measures. Considering the protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, implementation of Alternative 4 as a whole would not result in a ~~substantial adverse effect~~significant impact through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of giant garter snake habitat and potential mortality of snakes would have a less-than-significant impact on giant garter snake under CEQA.

Impact BIO-50: Indirect Effects of Plan Implementation on Giant Garter Snake

Construction activities outside the project footprint but within 200 feet of construction associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operation and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic postconstruction disturbances with localized effects on giant garter snake habitat, and temporary noise and visual disturbances over the term of the BDCP. These potential effects would be minimized or avoided through AMM1–AMM7, AMM10, AMM16, and AMM37, which would be in effect throughout the plan's construction phase.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect giant garter snake or its aquatic prey. The inadvertent discharge of sediment or excessive dust adjacent to giant garter snake habitat could also have a negative effect on the species or its prey. AMM1–AMM6 would minimize the likelihood of such spills and would ensure measures are in place to prevent runoff from the construction area and potential effects of sediment or dust on giant garter snake or its prey.

Covered activities have the potential to exacerbate bioaccumulation of mercury in covered species that feed on aquatic species, including giant garter snake. The operational impacts of new flows under CM1 were analyzed to assess potential effects on mercury concentration and bioavailability. Results indicated that changes in total mercury levels in water and fish tissues due to future operational conditions were insignificant (see Appendix D, *Substantive BDCP Revisions*, ~~in~~of this RDEIR/SDEIS~~BDCP Appendix 5.D, Tables 5D.4-3, 5D.4-4, and 5D.4-5~~).

Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and floodplains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury. Increased methylmercury associated with natural community and floodplain restoration may indirectly affect giant garter snake, which feeds on small fishes, tadpoles, and small frogs, especially introduced species, such as small bullfrogs (*Rana catesbeiana*) and their larvae, carp (*Cyprinus carpio*), and mosquitofish (*Gambusia affinis*). In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). Along with minimization and mitigation measures and adaptive management and monitoring, *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, ~~in~~of this RDEIR/SDEIS) is expected to reduce the amount of methylmercury resulting from the restoration of natural communities and floodplains.

Extant populations of giant garter snake within the study area are known only from the upper Yolo Basin and at the Coldani Marsh/White Slough area. Davis et al. (2007) found mercury concentrations in fish at White Slough (and the Central Delta in general) to be relatively low compared to other areas of the Delta. No restoration activities involving flooding (and subsequent methylation of mercury) are planned within the known range of the Coldani Marsh/White Slough giant garter snake population. Effects on giant garter snake from increased methylmercury exposures is more likely in the Yolo Basin, where some of the highest concentrations of mercury and methylmercury have been documented (Foe et al. 2008). Effects from exposure to methylmercury may include decreased predator avoidance, reduced success in prey capture, difficulty in shedding, and reduced ability to move between shelter and foraging or thermoregulation areas (Wylie et al. 2009). Planned floodplain restoration activities in the Yolo Basin are expected to seasonally increase methylmercury production, although production would be minimized by *CM12 Methylmercury Mitigation*. Further, the periods of production and increased exposure to methylmercury do not overlap with giant garter snake seasonal activity periods. This seasonal trend should help to decrease risk to the giant garter snake, although snakes could prey on individuals that have been exposed to methylmercury during the previous season.

The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. Measures described in *CM12 Methylmercury Management* include provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring, CM12 is expected to reduce the effects of methylmercury resulting from BDCP natural communities and floodplain restoration on giant garter snake.

NEPA Effects: Implementation of the AMMs and *Environmental Commitment 12 Methylmercury Management* listed above as part of implementing Alternative 4 would avoid the potential for substantial adverse effects on giant garter snakes, either indirectly or through habitat modifications. These AMMs would also avoid and minimize effects that could substantially reduce the number of giant garter snakes or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on giant garter snake.

CEQA Conclusion: Indirect effects from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact giant garter snake in aquatic and upland habitats. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could impact giant garter snake or its prey. The inadvertent discharge of sediment or excessive dust adjacent to giant garter snake habitat could also have a negative impact on the species or its prey. With implementation of AMM1–AMM7, AMM10, AMM16, and AMM37 as part of Alternative 4 construction, operation and maintenance, the BDCP would avoid and ~~or~~ minimize the potential for ~~substantial adverse effects~~significant impacts on giant garter snakes, either indirectly or through habitat modifications. ~~Alternative 4 would not result in a substantial reduction in numbers or a restriction in the range of giant garter snakes.~~ Therefore, the indirect effects of BDCP Alternative 4 would have a less-than-significant impact on giant garter snakes.

Giant garter snake could experience indirect effects from increased exposure to methylmercury as a result of tidal habitat restoration (CM4). With implementation of CM12, the potential indirect effects of methlymercury would not result in a substantial reduction in numbers or a restriction in the range of giant garter snakes, and, therefore, would have a less-than-significant impact on giant garter snakes.

Impact BIO-50a: Loss of Connectivity among Giant Garter Snakes in the Coldani Marsh/White Slough Subpopulation, Stone Lakes National Wildlife Refuge, and the Delta

Implementation of Alternative 4 would not introduce a substantial barrier to the movement among giant garter snakes in the Coldani Marsh/White Slough subpopulation, Stone Lakes National Wildlife Refuge, and the Delta in the study area.

NEPA Effects: Alternative 4 would not adversely affect connectivity among giant garter snakes in the Coldani Marsh/White Slough subpopulation, Stone Lakes National Wildlife Refuge, and the Delta in the study area.

CEQA Conclusion: Alternative 4 would have a less-than-significant impact on connectivity among giant garter snakes in the study area and therefore no mitigation is required.

Impact BIO-51: Periodic Effects of Inundation of Giant Garter Snake Habitat as a Result of Implementation of Conservation Components

CM2 Yolo Bypass Fisheries Enhancement: The proposed changes in Fremont Weir operations would occur intermittently from as early as mid-November through as late as mid-May. The core operations would occur during the winter/spring period, which corresponds mostly with the giant garter snake's inactive season. During this time, snakes are overwintering underground. Giant garter snakes that occur in the bypass during the active season could overwinter in the bypass during the inactive season: these snakes may be vulnerable to inundation of the bypass and could be drowned or displaced from overwintering sites. However, most typically, Fremont Weir "notch" operations would occur on the shoulders of time periods in which the Sacramento River rises enough for Fremont Weir to overtop passively, without the proposed project. Project-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, since Fremont Weir is expected to overtop the remaining estimated 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. Currently, in more than half of all years, an area greater than the area that would be inundated as a result of covered activities is already inundated during the snake's inactive season (Kirkland pers. comm.). Duration of inundation may also be an important factor determining effects on overwintering giant garter snakes. Radiotelemetry studies have revealed giant garter snakes surviving in burrows that had been inundated for 2 to 3 weeks, but it is unknown what duration of inundation the snakes can survive while overwintering in their burrows.

~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP provides the method used to estimate periodic inundation effects in the Yolo Bypass. Based on this method, periodic inundation could affect giant garter snakes overwintering in upland areas ranging from an estimated 582 acres of upland habitat during notch flow of 1,000 cfs to an estimated 1,402 acres during a 4,000-cfs notch flow. The 4,000-cfs notch flow would affect an estimated 888 acres of high value habitat and 514 acres of moderate value habitat.

As noted above under the discussion of habitat loss from construction-related activities in Yolo Bypass, late season flooding in the bypass may result in loss of rice habitat (considered aquatic habitat for giant garter snake) by precluding the preparation and planting of a maximum of 1,662 acres of rice fields (~~BDCP~~ see Appendix 5.J, Attachment 5J.E, *Estimation of BDCP Impact on Giant Garter Snake Summer Foraging Habitat in the Yolo Bypass*, of the Draft BDCP*).* This analysis concludes that the estimated loss of rice is 1,662 acres which was considered to occur late long-term. Restoration and protection of 2,740 acres of rice land or habitat of equivalent value for the giant garter snake would achieve a 1:1 ratio of habitat conserved to habitat affected (habitat affected includes uplands periodically flooded and rice lost due to late season flooding in Yolo Bypass as a result of CM2).

CM5 Seasonally Inundated Floodplain Restoration would periodically inundate 606 acres of upland habitat for the giant garter snake in the south Delta (CZ 7). The upland habitat to be inundated contains 432 acres of moderate-value and 174 acres of low-value habitat. The area between existing levees would be breached and the newly constructed setback levees would be inundated through seasonal flooding. The restored floodplain will include a range of elevations from low-lying areas that flood frequently (e.g., every 1 to 2 years) to high-elevation areas that flood infrequently (e.g., every 10 years or more). There are no records of giant garter snakes in the vicinity of where floodplain restoration is expected to occur.

Based on modeled habitat for the giant garter snake, the study area supports approximately 53,285 acres of upland habitat for giant garter snake. Approximately 2.008 acres of giant garter snake upland habitat (4% of total upland habitat in the study area) may be adversely affected by periodic flooding as a consequence of floodplain restoration and the operation of the Fremont Weir.

NEPA Effects: Periodic effects on upland habitat for giant garter snake associated with implementing Alternative 4 are not expected to result in substantial adverse effects on giant garter snakes, either directly or through habitat modifications, as it would not result in a substantial reduction in numbers or a restriction in the range of giant garter snakes. Therefore, Alternative 4 would not adversely affect the species.

CEQA Conclusion: Flooding of the Yolo Bypass and creation of seasonally inundated floodplain in various parts of the study area would periodically affect a total of approximately 2,008 acres of upland habitat for giant garter snake. The inundation could affect overwintering snakes. Project-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, since Fremont Weir is expected to overtop the remaining estimated 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. Currently, in more than half of all years, an area greater than the area that will be inundated as a result of covered activities is already inundated during the snake's inactive season (Kirkland pers. comm.).

Therefore, increased inundation in the Yolo Bypass as a result of BDCP is expected to have a minimal effect on the Yolo Basin/Willow Slough population Therefore, implementing Alternative 4, including AMM1–AMM7, AMM10, and AMM16, would not be expected to result in substantial adverse effects on giant garter snakes, either directly or through habitat modifications, because it would not result in a substantial reduction in numbers or a restriction in the range of giant garter snakes. Periodic effects of inundation under Alternative 4 would have a less-than-significant impact on the species.

Western Pond Turtle

The habitat model used to assess effects on the western pond turtle is based on aquatic and upland nesting and overwintering habitat. Further details regarding the habitat model, including assumptions on which the model is based, are provided in ~~BDCP~~ Appendix 2A, Section 2A.30, *Western Pond Turtle*, of the Draft BDCP. The model quantified two types of upland nesting and overwintering habitat, including upland habitat in natural communities as well as upland in agricultural areas adjacent to aquatic habitats. Both of these upland habitat types are combined for this analysis. Factors considered in assessing the value of affected aquatic habitat are natural community type and availability of adjacent nesting and overwintering habitat. The highest value aquatic habitat types in the study area consist of nontidal freshwater perennial emergent wetlands and ponds adjacent to suitable nesting and overwintering habitat (Patterson pers. comm.). Less detail is provided on effects on dispersal habitat because, although dispersal habitat is important for maintaining and increasing distribution and genetic diversity, turtles have been known to travel over many different land cover types; therefore, this habitat type is not considered limiting. The value of dispersal habitat depends less on the habitat type itself than on the proximity of that habitat type to high-value aquatic and nesting and overwintering habitat.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of western pond turtle modeled habitat, as indicated in Table 12-4-23. The majority of these losses would take place over an extended period of time as tidal marsh is restored in the study area.

Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP to benefit the western pond turtle (~~BDCP~~ see Chapter 3, *Conservation Strategy*, in the Draft BDCP).

- Protect or restore 142,200 acres of high-value natural communities and covered species habitats (Objective L1.1, associated with CM3).
- Restore and protect 65,000 acres of tidal natural communities and transitional uplands to accommodate sea level rise. Minimum restoration targets for tidal natural communities in each ROA are 7,000 acres in Suisun Marsh ROA, 5,000 acres in Cache Slough ROA, 1,500 acres in Cosumnes/Mokelumne ROA, 2,100 acres in West Delta ROA, and 5,000 acres in South Delta ROA (Objective L1.3, associated with CM2, CM3, and CM4).
- Within the 65,000 acres of tidal natural communities and transitional uplands (Objective L1.3), include sufficient transitional uplands along the fringes of restored brackish and freshwater tidal emergent wetlands to accommodate up to 3 feet of sea level rise where possible and allow for the future upslope establishment of tidal emergent wetland communities (Objective L1.7, associated with CM3, CM4, and CM8).
- Allow floods to promote fluvial processes, such that bare mineral soils are available for natural recolonization of vegetation, desirable natural community vegetation is regenerated, and structural diversity is promoted, or implement management actions that mimic those natural disturbances (Objective L2.1, associated with CM3, CM5, and CM11).
- Allow lateral river channel migration (Objective L2.2, associated with CM3 and CM5).
- Within the 65,000 acres of tidal natural communities (L1.3), restore or create 24,000 acres of tidal freshwater emergent wetland in CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, and/or CZ 7 (Objective TFEWNC1.1, associated with CM3 and CM4).
- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities, with suitable habitat characteristics for giant garter snake and western pond turtle (Objective NFEW/NPANC1.1, associated with CM3 and CM10).

- Protect and enhance 8,100 acres of managed wetland, 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3 and CM11).
- Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
- Protect stock ponds and other aquatic features within protected grasslands to provide aquatic breeding habitat for native amphibians and aquatic reptiles (Objective GNC1.3, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3 and CM11).

As explained below, with the restoration and protection of these amounts of habitat, in addition to implementation of AMMs, impacts on western pond turtle would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-23. Changes in Western Pond Turtle Modeled Habitat Associated with Alternative 4[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Aquatic (acres)	~~237~~264	~~237~~264	~~2,098~~ 2,102	~~2,098~~ 2,102	NA	NA
	Upland (acres)[e]	~~279~~286	~~279~~286	~~68~~77	~~68~~77	NA	NA
	Aquatic (miles)	~~9~~7	~~9~~7	~~3~~5	~~3~~5	NA	NA
Total Impacts CM1 (acres)		**~~516~~550**	**~~516~~550**	**~~2,166~~ 2,179**	**~~2,166~~ 2,179**	NA	NA
CM2–CM18	Aquatic (acres)	82	114	23	44	NA	NA
	Upland (acres)[e]	414	1,028	119	136	283–798	331
	Aquatic (miles)	25	109	3	4	0	0
Total Impacts CM2–CM18 (acres)		**496**	**1,142**	**142**	**180**	**283–798**	**331**
TOTAL IMPACTS CM1–CM18 (acres)		**~~1,012~~1,046**	**~~1,658~~1,692**	**~~2,308~~ 2,321**	**~~2,346~~ 2,359**	**283–798**	**331**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

[e] Upland acres represent upland nesting and overwintering habitat acreages combined for both natural communities and agricultural lands adjacent to aquatic habitats.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-52: Loss or Conversion of Habitat for and Direct Mortality of Western Pond Turtle

Alternative 4 conservation measures would result in the permanent and temporary loss of up to ~~2,493~~2,497 acres of aquatic habitat and ~~1,511~~ 1,527acres of upland nesting and overwintering habitat (Table 12-4-23). ~~There are three western pond turtle occurrences that overlap with the CM1 footprint and a number of additional occurrences within the vicinity (Figure 12-16).).~~ Activities that would result in the temporary and permanent loss of western pond turtle modeled habitat are conveyance facilities and transmission line construction, geotechnical investigations, and establishment and use of RTM, borrow, and spoils areas (CM1), Yolo Bypass improvements (CM2), tidal habitat restoration (CM4) floodplain restoration (CM5), and riparian habitat restoration (CM7). Habitat enhancement and management activities (CM11), such as ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate western pond turtle habitat. The activity accounting for most (80%) of the habitat loss or conversion would be *CM4 Tidal Natural Communities Restoration*. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the permanent loss of approximately ~~237~~ 264 acres of aquatic habitat and ~~279~~ 286 acres of upland nesting and overwintering habitat for the western pond turtle in the study area (Table 12-4-23). Development of the water conveyance facilities would also result in the temporary removal of up to ~~2,098~~2,102 acres of aquatic habitat and ~~68~~ 77 acres of nesting and overwintering habitat for the western pond turtle in the study area (see Table 12-4-23). Approximately ~~17~~ 7 miles of channels providing western pond turtle movement habitat would be removed and ~~24~~ 5 miles would be temporarily disturbed. There are ~~three~~ four western pond turtle occurrences that overlap with the CM1 footprint in CZ 2, one occurrence that overlaps with an RTM area on the southern tip of Bouldin Island in CZ 5, and one occurrence that overlaps with an RTM area along Twin Cities Road in CZ 4/ ~~around Clifton Court Forebay and in CZ 5 scattered throughout the Delta.~~ The majority of the permanent loss of aquatic habitat and nesting and overwintering habitat would be near Clifton Court Forebay in CZ 8. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. The aquatic habitat in the Clifton Court Forebay area is considered to be of reasonably high-value because it consists of agricultural ditches in or near known species occurrences. The nesting and overwintering and dispersal habitat that would be lost consists primarily of cultivated lands with some small portion of ruderal grassland habitat. Except for remnant, uncultivated patches, the cultivated lands are not suitable for nesting and overwintering unless left fallow. Construction of the water conveyance facilities would also affect dispersal habitat, which is primarily cultivated lands. While there are western pond turtle occurrences scattered throughout CZ 3, CZ 4, CZ 5, and CZ 6, this effect is widely dispersed because of the long, linear nature of the pipeline footprint.

  An estimated ~~201~~ 162 of the total ~~516~~ 549 aquatic and upland acres combined and ~~6~~ 4 of the ~~9~~ 7miles would be lost as storage areas for reusable tunnel material, which would likely be moved to other sites for use in levee build-up and restoration, and the affected area would likely be restored: while this effect is categorized as permanent because there is no assurance that the material would eventually be moved, the effect would likely be temporary. Furthermore, the amount of storage area needed for reusable tunnel material is flexible and the footprint used in the effects analysis is based on a worst case scenario: the actual area to be affected by reusable tunnel material storage would likely be less than the estimated acreage.

- *CM2 Yolo Bypass Fisheries Enhancement*: Improvements in the Yolo Bypass would result in the permanent and temporary removal of approximately 60 acres of aquatic habitat and 249 acres of upland nesting and overwintering habitat for the western pond turtle. Approximately 4 miles of channels providing western pond turtle movement habitat would be permanently or temporarily removed as a result of Yolo Bypass improvements. Although there are no CNDDB occurrences for western pond turtle in the Yolo Bypass, the species is known to be present in the Yolo Bypass Wildlife Area (California Department of Fish and Game 2012z).

- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration would result in the conversion of approximately 45 acres of aquatic habitat and 872 acres of upland nesting and overwintering habitat for western pond turtle to tidal marsh. Approximately 106 miles of channels providing western pond turtle movement habitat would be removed as a result of restoration. Tidal habitat restoration is expected to change existing salinity and flow conditions rather than lead to complete loss of aquatic habitat. Restoration of tidal flow where habitat consists of the calm waters of managed freshwater ponds and wetlands could have an adverse effect on the western pond turtle. Tidal restoration outside Suisun Marsh is likely to create suitable, slow-moving freshwater slough and marsh habitat.

Although the aquatic habitat model includes all tidal perennial aquatic, tidal brackish emergent wetland, and managed wetland as habitat, almost of the Suisun Marsh pond turtle observations have been in the interior drainage ditches or near water control structures not hyrdrologically connected to Suisun Marsh (Patterson pers. comm.). While the model does not include an aquatic class type called *drainage ditches* and therefore an effect on this habitat type cannot be calculated, it is likely that this general type of habitat accounts for a very small portion of the total modeled aquatic effects; almost certainly less than 5%, or less than 287 acres of the modeled aquatic habitat affected by tidal restoration. The suitable nesting and overwintering habitat that would be affected in the interior of Suisun Marsh is limited, because the levees likely function as the primary nesting and overwintering habitat. The nesting and overwintering habitat of highest value to be affected is on the fringe of the marsh where the aquatic habitat is adjacent to undeveloped grassland habitat.

The habitat affected in the interior Delta (West Delta and South Delta) is of low value, consisting of levees and intensively farmed cultivated lands, while the Cache Slough and Cosumnes-Mokelumne ROAs are less intensively farmed and have higher-value habitat for the turtle. Because the estimates of the effect of tidal inundation are based on projections of where restoration may occur, actual effects are expected to be lower because sites would be selected to minimize effects on western pond turtle habitat (see AMM17 in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP ~~BDCP Appendix 3.C~~).

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration in the south Delta (CZ 7) would result in the permanent and temporary removal of approximately 53 acres of aquatic habitat and 33 acres of upland habitat for western pond turtle. Approximately 3 miles of channels providing western pond turtle movement habitat would be removed as a result of floodplain restoration. Although there are no CNDDB occurrences of the western pond turtle in the areas where floodplain restoration is likely to occur, the species is known to occur along the San Joaquin River to the south in the San Joaquin River National Wildlife Refuge. As with CM4, the estimates of the effect of seasonal floodplain levee construction and inundation are based on projections of where restoration may occur. Actual effects are expected to be lower because sites would be selected to minimize effects on western pond turtle habitat.
- *CM7 Riparian Natural Community Restoration*: Riparian restoration that is part of tidal natural communities restoration in CZ 1 and CZ 2, would result in the permanent removal of 10 acres of upland nesting and overwintering habitat for western pond turtle.
- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP protected habitats may result in localized ground disturbances that could temporarily remove small amounts of western pond turtle habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor adverse effects on available western pond turtle habitat and are expected to result in overall improvements to and maintenance of western pond turtle habitat values over the term of the BDCP. In addition, effects would be avoided and minimized by the AMMs listed below.

Management of the 6,600 acres of managed wetlands to be protected for waterfowl and shorebirds is not expected to result in overall adverse effects for the western pond turtle. Management actions that would improve wetland quality and diversity on managed wetlands include control and eradication of invasive plants; maintenance of a diversity of vegetation types and elevations, including upland areas to provide flood refugia; water management and leaching to reduce salinity; and enhancement of water management infrastructure (improvements to enhance drainage capacity, levee maintenance). These management actions could benefit the western pond turtle. The 6,600 acres of protected managed wetlands would be monitored and adaptively managed to ensure that management options are implemented to avoid adverse effects on the western pond turtle.

- Operations and maintenance: Ongoing maintenance of BDCP facilities is expected to have little if any adverse effect on the western pond turtle. Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect western pond turtle use where there is suitable habitat in the study area. Maintenance activities would include vegetation management, levee and structure repair, and regrading of roads and permanent work areas. These effects, however, would be minimized by AMMs and conservation actions described below.
- Injury and direct mortality: Construction vehicle activity may cause injury to or mortality of western pond turtles. If turtles reside where conservation measures are implemented (most likely in the vicinity of aquatic habitats in the study area), the operation of equipment for land clearing, construction, conveyance facilities operation and maintenance, and habitat restoration, enhancement, and management could result in injury or mortality of western pond turtles. However, to avoid injury or mortality, preconstruction surveys would be conducted in suitable aquatic or upland habitat for the western pond turtle, and turtles found would be relocated outside the construction areas, as required by the AMMs listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA.

Alternative 4 would temporarily and permanently remove ~~2,440~~2,471 acres of aquatic habitat and ~~880~~ 896 acres of upland nesting and overwintering habitat for western pond turtle in the near-term. These effects would result from water conveyance facilities construction (CM1, ~~2,335~~2,366 acres of aquatic and ~~347~~ 363 acres of upland habitats), Yolo Bypass improvements (CM2, 60 acres of aquatic and 249 acres of upland habitats), tidal habitat restoration (CM4, 45 acres of aquatic and 280 acres of upland habitats), and riparian restoration (CM7, 4 acres of upland habitat).

Typical project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for western pond turtle in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection of aquatic habitats and 2:1 for protection of upland habitats. Using these ratios would indicate that

~~2,440~~2,471 acres of aquatic habitat should be restored, ~~2,440~~2,471 acres of aquatic habitat should be protected, and ~~1,760~~1,792 acres of upland habitat should be protected for western pond turtle to mitigate the near-term losses.

The conservation strategy for western pond turtle involves restoration and protection of aquatic and adjacent upland habitat, and establishment of an interconnected reserve system that provides for western pond turtle dispersal. The habitat protection and restoration needs for this species are addressed at the landscape and natural community levels. The BDCP has committed to near-term restoration and creation of up to 24,350 acres of aquatic habitat (Objective L1.1, Objective L1.3, Objective NFEW/NPANC1.1, MWNC1.1~~)and~~) and up to 2,000 acres of upland habitat (Objective GNC1.1). In addition, the protection and management of existing managed wetland habitat in Suisun Marsh may increase the value of aquatic habitat. The most beneficial restoration would occur in freshwater emergent wetland consisting of slow-moving slough and marsh adjacent to protected, undisturbed grassland. Additionally, basking platforms will be installed as needed in restored freshwater marsh to benefit the western pond turtle.

The natural community restoration and protection activities would be concluded in the first 10 years of plan implementation, which is close enough in time to the impacts of construction to constitute adequate mitigation. Because the number of acres required to meet the typical ratios described above would be only ~~2,440~~2,471 acres of aquatic communities protected, ~~2,440~~2,471 acres restored, and ~~1,760~~1,792 acres of upland communities protected, the 24,350 acres of aquatic and 2,000 acres of upland habitats restored or created in the near-term Plan goals, and the additional detail in the biological goals for western pond turtle, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality under Alternative 4 on western pond turtles would not be adverse.

The plan also contains commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, and *AMM17 Western Pond Turtle.* These AMMs include elements that would avoid or minimize the risk of affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 81,666 acres of aquatic and 28,864 acres of upland habitat for western pond turtle. Alternative 4 would remove ~~2,493~~2,524 acres of aquatic habitat and ~~1,511~~1,527 acres of upland nesting and overwintering habitat for western pond turtle in the late long-term.

Implementation of Alternative 4 as a whole would increase the extent and distribution of high-value aquatic and upland nesting and overwintering habitat for western pond turtle in the study area. While the extent of dispersal habitat is expected to be reduced by approximately ~~9~~5%, this habitat is abundant in the study area (composed primarily of cultivated lands), is not believed to be a factor limiting the turtle, and would be replaced with higher-value habitats for western pond turtle.

The conservation strategy for western pond turtle involves restoration and protection of aquatic and adjacent upland habitat, and establishment of an interconnected reserve system that provides for western pond turtle dispersal. The habitat protection and restoration needs for this species are addressed at the landscape and natural community levels. The BDCP has committed to late long-term restoration and creation of up to 74,300 acres of aquatic habitat (Objective L1.1, Objective L1.3, Objective NFEW/NPANC1.1, MWNC1.1~~)and~~) and up to 8,000 acres of upland habitat (Objective GNC1.1). In addition, the protection and management of existing managed wetland habitat in Suisun Marsh may increase the value of aquatic habitat. The most beneficial restoration would occur in freshwater emergent wetland consisting of slow-moving slough and marsh adjacent to protected, undisturbed grassland. Aquatic features (e.g., ditches and ponds) and adjacent uplands that are preserved and managed as part of the 48,625 acres of protected cultivated lands described above for giant garter snake are also expected to benefit the species. Additionally, basking platforms would be installed as needed in restored freshwater marsh to benefit the western pond turtle.

Riparian and floodplain restoration would potentially increase the quantity and value of aquatic and nesting and overwintering habitat. Where the floodplain is widened and restored, this would allow oxbows and slow-moving side channels to form, providing suitable aquatic habitat for this species (Bury and Germano 2008; Ernst and Lovich 2009). Where riparian vegetation is restored adjacent to slower-moving channels, sloughs, and ponds, downed trees can provide important basking habitat and cover habitat for turtles. Riparian restoration in those more interior portions of Old and Middle Rivers that would be managed for riparian brush rabbit habitat have potential to benefit resident western pond turtles as riparian-adjacent grassland is an important habitat characteristic for the rabbit.

The study area represents only a small portion of the range of the western pond turtle in California (which includes most all the Pacific drainages) and southern Oregon. Effects from permanent and temporary loss or conversion of habitat for the western pond turtle, and other effects described above, are not expected to result in an adverse effect on the long-term survival and recovery of western pond turtle because for the following reasons.

- The study area represents a small portion of the species' entire range.
- Only 1% of the habitat in the study area would be removed or converted.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of managed wetland, nontidal freshwater perennial emergent wetland, nontidal perennial aquatic, tidal brackish emergent wetland, tidal freshwater emergent wetland, grassland, valley foothill riparian, that could overlap with the species model, would result in the restoration of 29,738 acres of aquatic and 1,421 acres of upland modeled habitat for western pond turtle. In addition, protection of cultivated land, managed wetland, grassland, and valley/foothill riparian could overlap with the species model and would result in the protection of 1,281 acres of aquatic and 4,993 acres of upland western pond turtle modeled habitat.

NEPA Effects: In the near-term, the loss of western pond turtle habitat under Alternative 4 would not be adverse because the BDCP has committed to protecting and restoring the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of western pond turtle habitat associated with Alternative 4, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, and AMM17, the effects of Alternative 4 as a whole on western pond turtle would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA.

Alternative 4 would temporarily and permanently remove ~~2,440~~2,471 acres of aquatic habitat and ~~880~~ 896 acres of upland nesting and overwintering habitat for western pond turtle in the near-term. These effects would result from water conveyance facilities construction (CM1, ~~2,335~~2,366 acres of aquatic and ~~347~~ 363 acres of upland habitats), Yolo Bypass improvements (CM2, 60 acres of aquatic and 249 acres of upland habitats), tidal habitat restoration (CM4, 45 acres of aquatic and 280 acres of upland habitats) and riparian restoration (CM7, 4 acres of upland habitat) (Table 12-4-23).

Typical CEQA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for western pond turtle in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and 1:1 for protection of aquatic habitats and 2:1 for protection of upland habitats. Using these ratios would indicate that ~~2,440~~2,471 acres of aquatic habitat should be restored, ~~2,440~~2,471 acres of aquatic habitat should be protected, and ~~1,760~~1,792 acres of upland habitat should be protected for western pond turtle to mitigate the near-term losses.

The conservation strategy for western pond turtle involves restoration and protection of aquatic and adjacent upland habitat, and establishment of an interconnected reserve system that provides for western pond turtle dispersal. The habitat protection and restoration needs for this species are addressed at the landscape and natural community levels. The BDCP has committed to near-term restoration and creation of up to 24,350 acres of aquatic habitat (Objective L1.1, Objective L1.3, Objective NFEW/NPANC1.1, MWNC1.1~~)and~~) and up to 2,000 acres of upland habitat (Objective GNC1.1). In addition, the protection and management of existing managed wetland habitat in Suisun Marsh may increase the value of aquatic habitat. The most beneficial restoration would occur in freshwater emergent wetland consisting of slow-moving slough and marsh adjacent to protected, undisturbed grassland. Additionally, basking platforms will be installed as needed in restored freshwater marsh to benefit the western pond turtle.

The natural community restoration and protection activities would be concluded in the first 10 years of plan implementation, which is close enough in time to the impacts of construction to constitute adequate mitigation for CEQA purposes. Because the number of acres required to meet the typical ratios described above would be only ~~2,440~~2,471 acres of aquatic communities protected, ~~2,440~~2,471 acres of aquatic communities, and ~~1,760~~1,792 acres of upland communities protected, the 24,350 acres of aquatic and 2,000 acres of upland habitats restored or created in the near-term Plan goals, and the additional detail in the biological goals for western pond turtle, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality under Alternative 4 on western pond turtles would be less than significant.

In addition, the plan also contains commitments to implement AMM1–AMM6, AMM10, and AMM17, which include elements that would avoid or minimize the risk of directly and indirectly affecting habitats and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 81,666 acres of aquatic and 28,864 acres of upland habitat for western pond turtle. Alternative 4 would remove ~~2,493~~2,524 acres of aquatic habitat and ~~1,511~~1,527 acres of upland nesting and overwintering habitat for western pond turtle in the late long-term.

Implementation of Alternative 4 as a whole would increase the extent and distribution of high-value aquatic and upland nesting and overwintering habitat for western pond turtle in the study area. While the extent of dispersal habitat is expected to be reduced by approximately ~~1~~5%, this habitat is abundant in the study area (composed primarily of cultivated lands), is not believed to be a factor limiting the turtle, and would be replaced with higher-value habitats for western pond turtle.

The conservation strategy for western pond turtle involves restoration and protection of aquatic and adjacent upland habitat, and establishment of an interconnected reserve system that provides for western pond turtle dispersal. The habitat protection and restoration needs for this species are addressed at the landscape and natural community levels. The BDCP has committed to late long-term restoration and creation of up to 74,300 acres of aquatic habitat (Objective L1.1, Objective L1.3, Objective NFEW/NPANC1.1, MWNC1.1~~)and~~) and up to 8,000 acres of upland habitat (Objective GNC1.1). In addition, the protection and management of existing managed wetland habitat in Suisun Marsh may increase the value of aquatic habitat. The most beneficial restoration would occur in freshwater emergent wetland consisting of slow-moving slough and marsh adjacent to protected, undisturbed grassland. Aquatic features (e.g., ditches and ponds) and adjacent uplands that are preserved and managed as part of the 48,625 acres of protected cultivated lands described above for giant garter snake are also expected to benefit the species. Additionally, basking platforms will be installed as needed in restored freshwater marsh to benefit the western pond turtle.

Riparian and floodplain restoration would potentially increase the quantity and value of aquatic and nesting and overwintering habitat. Where the floodplain is widened and restored, this would allow oxbows and slow-moving side channels to form, providing suitable aquatic habitat for this species (Bury and Germano 2008; Ernst and Lovich 2009). Where riparian vegetation is restored adjacent to slower-moving channels, sloughs, and ponds, downed trees can provide important basking habitat and cover habitat for turtles. Riparian restoration in those more interior portions of Old and Middle Rivers that would be managed for riparian brush rabbit habitat have potential to benefit resident western pond turtles because riparian-adjacent grassland is an important habitat characteristic for the rabbit.

The study area represents only a small portion of the range of the western pond turtle in California (which includes most all the Pacific drainages) and southern Oregon. Effects from permanent and temporary loss or conversion of habitat for the western pond turtle, and other effects described above, are not expected to result in an adverse effect on the long-term survival and recovery of western pond turtle because for the following reasons.

- The study area represents a small portion of the species' entire range.
- Only 1% of the habitat in the study area would be removed or converted.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of managed wetland, nontidal freshwater perennial emergent wetland, nontidal perennial aquatic, tidal brackish emergent wetland, tidal freshwater emergent wetland, grassland, valley foothill riparian, that could overlap with the species model, would result in the restoration of 29,738 acres of aquatic and 1,421 acres of upland modeled habitat for western pond turtle. In addition, protection of cultivated land, managed wetland, grassland, and valley/foothill riparian could overlap with the species model and would result in the protection of 1,281 acres of aquatic and 4,993 acres of upland western pond turtle modeled habitat.

The loss of western pond turtle habitat associated with Alternative 4 would represent ~~an adverse effect~~a significant impact as a result of special-status species habitat modification and the potential for direct mortality of turtles. However, considering the habitat restoration and protection associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, and AMM17, which would be in place ~~throughout the construction phase~~during all project activities, the loss of habitat and potential mortality would not have ~~an adverse effect~~a significant impact on western pond turtle. Therefore, the loss of western pond turtle habitat and potential mortality of turtles from Alternative 4 would have a less-than-significant impact on western pond turtle.

Impact BIO-53: Indirect Effects of Plan Implementation on Western Pond Turtle

Indirect effects on western pond turtle within 200 feet of construction activities could temporarily affect the use of aquatic habitat and upland nesting, overwintering, and dispersal habitat for the western pond turtle. Construction activities outside the construction footprint but within 200 feet of water conveyance facilities, conservation components, and ongoing habitat enhancement, as well as operation and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic postconstruction disturbances with localized impacts on western pond turtle habitat, and temporary noise and visual disturbances over the term of the BDCP.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect western pond turtle or its aquatic prey. The inadvertent discharge of sediment or excessive dust adjacent to western pond turtle aquatic habitat could also have a negative effect on the species or its prey. AMM1–AMM6, and AMM10 would minimize the likelihood of such spills and would ensure measures are in place to prevent runoff from the construction area and potential effects of sediment or dust on western pond turtle or its prey.

Water operations would affect salinity gradients in Suisun Marsh. This effect mechanism cannot be disaggregated from tidal natural community restoration in Suisun Marsh. It is expected that the salinity of water in Suisun Marsh would generally increase as a result of water operations and operation of salinity control gates to mimic a more natural water flow. Results of modeling for full implementation of the BDCP show salinity to double by the late long-term compared with current conditions during late fall and winter months. Changes in salinity would not be uniform across Suisun Marsh, as salinity would likely be more pronounced in some tidal channels and sloughs than others, and most of the salinity increase would occur during the fall and winter. Western pond turtles are primarily a freshwater species, although they can also be found in brackish marsh, and could respond negatively to increased salinity in Suisun Marsh. However, most of the Suisun Marsh pond turtle observations have been in the interior drainage ditches or near water control structures not connected to tidal channels and sloughs in Suisun Marsh which is where increases in salinity would occur. Therefore, the potential effects associated with changes in salinity are not expected to adversely affect western pond turtles.

NEPA Effects: With implementation of AMM1–AMM6, AMM10, and AMM17 as part of Alternative 4, the BDPC would avoid the potential for substantial adverse effects on western pond turtles, either directly or through habitat modifications. These AMMs would also avoid and minimize effects that could substantially reduce the number of western pond turtles or restrict the species range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on western pond turtle.

CEQA Conclusion: Indirect effects resulting from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact western pond turtle in aquatic and upland habitats. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could affect western pond turtle or its prey. The inadvertent discharge of sediment or excessive dust adjacent to western pond turtle habitat could also have a negative effect on the species or its prey. Changes in water salinity would have a less-than-significant impact on western pond turtles because most of the salinity increases would occur in areas not used extensively by western pond turtles.

With implementation of AMM1–AMM6, AMM10, and AMM17 as part of Alternative 4 construction, operation, and maintenance, the BDCP would avoid the potential for ~~substantial adverse effects~~significant impacts on western pond turtles, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of western pond turtles. The indirect effects of BDCP Alternative 4 would have a less-than-significant impact on western pond turtles.

Impact BIO-54: Periodic Effects of Inundation of Western Pond Turtle Habitat as a Result of Implementation of Conservation Components

CM2 Yolo Bypass Fisheries Enhancement would result in periodic inundation that could affect western pond turtle and its upland habitat. ~~BDCP~~ Appendix 5.J, *Effects on Natural Communities, Wildlife, and Plants*, of the Draft BDCP provides the method used to estimate periodic inundation effects in the Yolo Bypass. Based on this method, periodic inundation could affect from an estimated 283 acres of habitat during 1,000 cfs notch flow to an estimated 798 acres of habitat during 4,000 cfs notch flow (Table 12-4-23). This effect would occur during an estimated maximum of 30% of years, in areas that are already inundated in more than half of all years; therefore, these areas are expected to provide only marginal overwintering habitat for the western pond turtle under Existing Conditions. Furthermore, Yolo Bypass inundation is not expected to affect nesting western pond turtles because operations would not occur during the nesting season (approximately May through October). Therefore, Yolo Bypass operations are expect to have a minimal effect, if any, on western pond turtles in the Yolo Bypass.

CM5 Seasonally Inundated Floodplain Restoration would periodically inundate 331 acres of upland habitat for the western pond turtle in the south Delta (CZ 7). Seasonal flooding in restored floodplains is not expected to adversely affect aquatic and dispersal habitat, because these habitat functions are expected to remain in the seasonally inundated floodplains. Floodplains are not expected to be inundated during the nesting season, however, turtle hatchlings may overwinter in the nest and could be affected by flooding. Restored floodplains would transition for areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more); adverse effects on turtle hatchlings are most likely at the lower elevations of the restored floodplain, where frequent flooding occurs.

NEPA Effects: Periodic effects on upland habitat for western pond turtle from CM2 and CM5 associated with implementing Alternative 4 are not expected to result in substantial adverse effects either directly or through habitat modifications, as it would not result in a substantial reduction in numbers or a restriction in the range of western pond turtles. Therefore, Alternative 4 would not adversely affect the species.

CEQA Conclusion: Flooding of the Yolo Bypass and creation of seasonally inundated floodplain in various parts of the study area would periodically affect 283-798 acres from CM2 and approximately 331 acres from CM5 of upland habitat for western pond turtle. These acreages represent only 1% of the total upland western pond turtle habitat in the study area. Most of the increase in inundation would occur in the winter and early spring months, when western pond turtles may be in the water or overwintering and occupying upland habitats. Therefore, implementing Alternative 4, including AMM1–AMM6, AMM10, and AMM17, would not be expected to result in ~~substantial adverse effects~~significant impacts on western pond turtle, either directly or through habitat modifications, because it would not result in a substantial reduction in numbers or a restriction in the range of western pond turtles. Periodic effects of inundation under Alternative 4 would have a less-than-significant impact on the species.

Silvery Legless Lizard, San Joaquin Coachwhip, and Blainville's Horned Lizard

This section describes the effects of Alternative 4 on the silvery legless lizard, San Joaquin coachwhip and Blainville's horned lizard (special-status reptiles). The habitat types used to assess effects on silvery legless lizard are limited to inland sand dunes near Antioch (CZ 9 and CZ 10), (Figure 12-17). There are isolated patches of sandy habitat in the vicinity of Oakley and along the railroad in the East Bay Regional Park Legless Lizard Preserve that are not shown in Figure 12-17 because project mapping was not available at this level of detail. Furthermore, none of these areas would be affected by construction or restoration activities and this species is not discussed any further.~~which would not be affected by construction or restoration activities. This species is not discussed any further.~~

The habitat types used to assess effects on the San Joaquin coachwhip are alkali seasonal wetland complex, grassland, and inland dune scrub west of Byron Highway (CZ 7)and west of Old River and West Canal (CZ 8). The habitat types used to assess effects on the Blainville's horned lizard are the same as those for the whipsnake in CZ 7 and CZ 8. There is also potential habitat for the horned lizard to occur in grassland habitat around Stone Lake (CZ 4). Although the expected range for San Joaquin coachwhip and Blainville's horned lizard extends into the study area, there are no records for either of these species within the study area (California Department of Fish and Wildlife 2013

Alternative 4 is expected to result in the temporary and permanent removal of habitat that special-status reptiles uses for cover and dispersal (Table 12-4-24). BDCP actions that could affect this habitat are limited to construction and maintenance of the water conveyance facilities in the vicinity of Clifton Court Forebay, and grassland restoration, protection and management. Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP that would also benefit special-status reptiles (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Increase the size and connectivity of the reserve system by acquiring lands adjacent to and between existing conservation lands (Objective L1.6, associated with CM3).
- Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative species (Objective L2.6, associated with CM11).
- Protect and improve habitat linkages that allow terrestrial covered and other native species to move between protected habitats within and adjacent to the Plan Area (Objective L3.1, associated with CM3, CM8, and CM11).
- Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
- Restore 2,000 acres of grasslands to connect fragmented patches of protected grassland (Objective GNC1.2, associated with CM3 and CM8).

As explained below, with the restoration or protection of these amounts of habitat, in addition to implementation of AMMs, impacts on special-status reptiles would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-24. Changes in Special-Status Reptile Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type[c]	Permanent		Temporary		Periodic[e]	
		NT	LLT[d]	NT	LLT[d]	CM2	CM5
CM1	Grassland	~~52~~291	~~52~~291	~~249~~1 ~~51~~89	~~249~~15~~1~~89	NA	NA
Total Impacts CM1		**~~52~~291**	**~~52~~291**	**~~249~~1 ~~51~~89**	**~~249~~15~~1~~89**	**NA**	**NA**
CM2–CM18	Grassland	0	0	0	0	0	0
Total Impacts CM2–CM18		**0**	**0**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**~~52~~291**	**~~52~~291**	**~~249~~1 ~~51~~89**	**~~249~~15~~1~~89**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] Grassland impacts include alkali seasonal wetland complex, grassland, and inland dune scrub natural communities.
[d] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[e] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-55: Loss or Conversion of Habitat for and Direct Mortality of Special-Status Reptiles

Alternative 4 conservation measures would result in the permanent and temporary loss of ~~301~~ ~~442~~380 acres of habitat for special-status reptiles (Table 12-4-24). Water conveyance facilities and transmission line construction, including establishment and use of RTM, borrow, and spoils areas, and geotechnical investigations (CM1) would cause the loss of special-status reptile habitat. In addition, habitat enhancement and management activities (CM11), such as ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects for special-status reptiles. For purposes of this analysis, the acres of total effects are considered the same for both San Joaquin coachwhip and Blainville's horned lizard, even though there would be slightly more acres of ~~temporary~~ permanent effect on the ~~Blainville's horned lizard~~San Joaquin coachwhip resulting from CM1 activities in CZ 4.

In addition to habitat loss and conversion, construction activities, such as grading, the movement of construction vehicles or heavy equipment, and the installation of water conveyance facilities components and new transmission lines, may result in the direct mortality, injury, or harassment of special-status reptiles, including the potential crushing of individuals and disruption of essential behaviors. Construction of access roads could fragment suitable habitat, impede upland movements in some areas, and increase the risk of road mortality. Construction activities related to conservation components could have similar effects. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Development of the conveyance facilities would result in the permanent loss of approximately ~~52~~ 291 acres of habitat for special-status reptiles in the vicinity of Clifton Court Forebay. Construction-related effects would temporarily disturb ~~249~~ ~~151~~89 acres of suitable habitat for special-status reptiles in the study area. There are no occurrences of either species within the construction footprint for CM1.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in *CM11* that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of special-status reptile habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor adverse effects on available special-status reptile habitat and are expected to result in overall improvements to and maintenance of species habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be reduced through implementation of Mitigation Measure BIO-55 *Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs.*

- Operations and maintenance: Ongoing facilities operation and maintenance is expected to have little if any adverse effect on special-status reptiles. Postconstruction operation and maintenance of the above-ground water conveyance facilities could result in ongoing but periodic disturbances that could affect special-status reptiles' use of suitable habitat in the study area. These effects, however, would be minimized with implementation of Mitigation Measure BIO-55.

- Injury and direct mortality: Construction vehicles may cause injury to or mortality of special-status reptiles. The operation of equipment for land clearing, construction, operation and maintenance, and restoration, enhancement, and management activities could result in injury or mortality. This risk is highest from late fall through early spring, when special-status reptiles are not as active. Increased vehicular traffic associated with BDCP actions could contribute to a higher incidence of road kill. However, conducting construction during the late-spring through early fall periods when feasible and implementation of Mitigation Measure BIO-55 would avoid and minimize injury or mortality of special-status reptiles during construction.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would not be adverse under NEPA. Alternative 4 would remove ~~301 442~~380 acres of grassland habitat for special-status reptiles as a result of CM1.

The typical NEPA mitigation ratio (2:1 for protection) for this natural community would indicate that ~~602 884~~760 acres should be protected in the near-term to offset CM1 losses.

The BDCP has committed to near-term restoration of 1,140 acres of grassland (CM8~~)and~~) and protection of up to 2,000 acres of grassland in the Plan Area (CM3). These conservation actions are all associated with CM3 and CM8 and would occur in the same timeframe as CM1 construction and early restoration losses, thereby avoiding adverse effects on special-status reptiles.

Considering the BDCP conservation strategy and the implementation of Mitigation Measure BIO-55,~~.~~ to avoid and minimize injury or mortality of special-status reptiles during construction, the permanent and temporary loss of special-status reptile habitat and the potential mortality of either species from Alternative 4 would not be an adverse effect.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of ~~301 442~~380 acres of habitat for special-status reptiles over the life of the plan.

Effects of water conveyance facilities construction would be offset through the plan's long-term commitment to protect 8,000 acres of grassland, and grassland associated with alkali seasonal wetlands and vernal pool complexes, and to restore 2,000 acres of grassland in the Plan Area. Grassland protection would focus in particular on acquiring the largest remaining contiguous patches of unprotected grassland habitat, which are located south of SR 4 in CZ 8 (Objective GNC1.1 and GNC1.2). This area connects to more than 620 acres of existing habitat that is protected under the East Contra Costa County HCP/NCCP.

Other effects would be reduced through implementation of Mitigation Measure BIO-55, *Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs*. The plan as a whole is expected to benefit special-status reptiles that could be present by protecting potential habitat from loss or degradation that otherwise could occur with future changes in existing land use. To the extent that grassland habitat is restored in CZ 8, restoration would replace unsuitable special-status reptile habitat, such as cultivated land, with high-value cover, foraging, and dispersal habitat. The overall effect would be beneficial because Alternative 4 would result in a net increase in acreage of grassland habitat in the study area.

BDCP's commitment to protect the largest remaining contiguous habitat patches (including grasslands and the grassland component of alkali seasonal wetland and vernal pool complexes) in CZ 8 would sufficiently offset the adverse effects resulting from water conveyance facilities construction.

NEPA Effects: In the near-term and late long-term, the loss of special-status reptile habitat under Alternative 4 would be not be adverse because the BDCP has committed to protecting the acreage required to meet the typical mitigation ratios described above and because of the implementation of Mitigation Measure BIO-55.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction impacts would be less than significant under CEQA. Alternative 4 would remove ~~301~~ ~~442~~ 380 acres of grassland habitat for special-status reptiles as a result of CM1.

The typical CEQA mitigation ratio (2:1 for protection) for this natural community would indicate that ~~602~~ ~~884~~760 acres should be protected in the near-term to offset CM1 losses.

The BDCP has committed to near-term restoration of 1,140 acres of grassland (CM8~~)and~~) and protection of up to 2,000 acres of grassland in the Plan Area (CM3). These conservation actions are all associated with CM3 and CM8 and would occur in the same timeframe as CM1 construction and early restoration losses, thereby avoiding adverse effects on special-status reptiles.

The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which would be close enough to the timing of construction impacts to constitute mitigation for CEQA purposes. ~~Considering t~~The restoration and protection activities associated with the BDCP conservation strategy would be sufficient to support the conclusion that the near-term impacts of ~~and the implementation of Mitigation Measure BIO-55, the~~ permanent and temporary loss of special-status reptile habitat ~~and the potential mortality~~ of either species would be ~~a~~ less ~~-~~than ~~-~~significant ~~impact~~ under CEQA. A significant impact could occur related to the potential for mortality; however, with implementation of Mitigation Measure BIO-55, the impact related to the potential mortality of either species would also be less than significant because this measure would require that special-status reptiles present in the construction work areas be relocated and that other avoidance and minimization measures be taken to reduce the risk for impacts.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of ~~301~~ ~~442~~380 acres of habitat for special-status reptiles over the life of the plan.

Effects of water conveyance facilities construction would be offset through the plan's long-term commitment to protect up to 8,000 acres of grassland, and grassland associated with alkali seasonal wetlands and vernal pool complexes, and to restore 2,000 acres of grassland in the Plan Area

(Objective GNC1.1 and Objective GNC1.2). Grassland protection would focus in particular on acquiring the largest remaining contiguous patches of unprotected grassland habitat, which are located south of SR 4 in CZ 8 (Objective GNC1.1). This area connects to more than 620 acres of existing habitat that is protected under the East Contra Costa County HCP/NCCP.

Other effects would be reduced through implementation of Mitigation Measure BIO-55. The plan as a whole is expected to benefit special-status reptiles that could be present by protecting potential habitat from loss or degradation that otherwise could occur with future changes in existing land use. To the extent that grassland habitat is restored in CZ 8, restoration would replace unsuitable special-status reptile habitat, such as cultivated land, with high-value cover, foraging, and dispersal habitat. The overall effect would be beneficial because Alternative 4 would result in a net increase in acreage of grassland habitat in the study area.

BDCP's commitment to protect the largest remaining contiguous habitat patches (including grasslands and the grassland component of alkali seasonal wetland and vernal pool complexes) in CZ 8 would sufficiently offset the ~~adverse effects~~significant impacts resulting from water conveyance facilities construction. Considering the BDCP conservation strategy and the implementation of Mitigation Measure BIO-55, the permanent and temporary loss of special-status reptile habitat and the potential mortality of either species under Alternative 4 would not result in a significant impact under CEQA.

Mitigation Measure BIO-55: Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs

DWR will retain a qualified biologist to conduct a habitat assessment in areas that are relatively undisturbed or have a moderate to high potential to support noncovered special-status reptiles (Blainville's horned lizard and San Joaquin coachwhip) in CZ 4, CZ 7, and CZ 8. The qualified biologist will survey for noncovered special-status reptiles in areas of suitable habitat concurrent with the preconstruction surveys for covered species in CZ 4, CZ 7, and CZ 8. If special-status reptiles are detected, the biologist will passively relocate the species out of the work area prior to construction if feasible.

In addition, ~~*CM22 Avoidance and Minimization Measures*, specifically~~ *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, and AMM10 Restoration of Temporarily Affected Natural Communities*, will be implemented for all noncovered special-status reptiles adversely affected by the BDCP to avoid, minimize, or compensate for impacts.

Impact BIO-56: Indirect Effects of Plan Implementation on Special-Status Reptile Species

Construction activities associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operations and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic postconstruction disturbances and noise with localized effects on special-status reptiles and their habitat over the term of the BDCP.

In addition, construction activities could indirectly affect special-status reptiles if construction resulted in the introduction of invasive weeds that create vegetative cover that is too dense for the species to navigate. Construction vehicles and equipment can transport in their tires and various parts under the vehicles invasive weed seeds and vegetative parts from other regions to construction sites, resulting in habitat degradation. These potential effects would be reduced through implementation of AMM10. Water conveyance facilities operations and maintenance activities would include vegetation and weed control, ground squirrel control, canal maintenance, infrastructure and road maintenance, levee maintenance, and maintenance and upgrade of electrical systems. While maintenance activities are not expected to remove special-status reptile habitat, operation of equipment could disturb small areas of vegetation around maintained structures and could result in injury or mortality of individual special-status reptiles, if present.

NEPA Effects: Implementation of the Mitigation Measure BIO-55, *Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs* would avoid the potential for substantial adverse effects on these species, either indirectly or through habitat modifications. The mitigation measure would also avoid and minimize effects that could substantially reduce the number of special-status reptiles, or restrict either species' range. Therefore, with implementation of Mitigation Measure BIO-55, the indirect effects of Alternative 4 on special-status reptiles would not be adverse under NEPA.

CEQA Conclusion: Indirect effects from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact special-status reptiles. In addition, construction activities could indirectly affect special-status reptiles if construction resulted in the introduction of invasive weeds that create vegetative cover that is too dense for the species to navigate. Water conveyance facilities operations and maintenance activities, such as vegetation and weed control, and road maintenance, are not expected to remove special-status reptile habitat, but operation of equipment could disturb small areas of vegetation around maintained structures and could result in injury or mortality of individual special-status reptiles, if present, which would be a significant impact.

With implementation of Mitigation Measure BIO-55, *Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs* as part of Alternative 4 construction, operation, and maintenance, the BDCP would avoid the potential for significant effects on special-status reptile species, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of either species. With implementation of Mitigation Measure BIO-55, the indirect effects of BDCP Alternative 4 would have a less-than-significant impact on special-status reptiles.

Mitigation Measure BIO-55: Conduct Preconstruction Surveys for Noncovered Special-Status Reptiles and Implement Applicable ~~CM22 Measure~~AMMs

See description of Mitigation Measure BIO-55 under Impact BIO-55.

California Black Rail

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on California black rail. The habitat model used to assess effects for the California black rail is based on primary breeding habitat and secondary habitat. Primary (breeding) habitat for this species within the Delta includes all *Schoenoplectus* and *Typha*-dominated tidal and nontidal freshwater emergent wetland in patches greater than 0.55 acre (essentially instream islands of the San Joaquin River and its tributaries and White Slough Wildlife Area). In Suisun Marsh, primary habitat includes all *Schoenoplectus* and *Typha*-dominated, and *Salicornia*-dominated patches greater than 0.55 acre, with the exception that all low marsh habitats dominated by *Schoenoplectus acutus* and *S. californicus* and all managed wetlands, in general, are considered secondary habitat with lesser ecological value. Upland transitional zones~~,~~ that ~~providing~~ provide refugia during high tides~~,~~ within 150 feet of the tidal wetland edge were also included as secondary habitat. Secondary habitats generally provide only a few ecological functions such as foraging (low marsh and managed wetlands) or extreme high tide refuge (upland transition zones), while primary habitats provide multiple functions, including breeding, effective predator cover, and valuable foraging opportunities.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of California black rail modeled habitat as indicated in Table 12-4-25. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the California black rail (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11, including at least 1,500 acres of middle and high marsh (Objectives TBEWNC1.1 and TBEWNC1.2, associated with CM4).
- Restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1, associated with CM4).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Create 1,700 acres of black rail habitat between restored tidal freshwater emergent wetlands and transitional uplands to provide upland refugia (Objective CBR1.1, associated with CM4).
- Create topographic heterogeneity in restored tidal brackish and freshwater emergent wetlands (Objectives TBEWNC1.4 and TFEWNC2.2, associated with CM4).
- Limit perennial pepperweed to no more than 10% cover in the tidal brackish emergent wetland natural community within the reserve system (Objective TBEWNC2.1, associated with CM11).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments (including *CM12 Methylmercury Management* as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) and implementation of AMM1–AMM7, *~~AMM18~~ AMM39 ~~California Clapper Rail and~~ California Black Rail*, and *AMM27 Selenium Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), impacts on the California black rail would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-25. Changes in California Black Rail Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Primary	1	1	21	21	NA	NA
	Secondary	0	0	0	0	NA	NA
Total Impacts CM1		**1**	**1**	**21**	**21**	**NA**	**NA**
CM2–CM18	Primary	76	84	0	0	0-9	0
	Secondary	986	3,044	0	0	0	6
Total Impacts CM2–CM18		**1,062**	**3,128**	**0**	**0**	**0-9**	**6**
TOTAL IMPACTS		**1,063**	**3,129**	**21**	**21**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-57: Loss or Conversion of Habitat for and Direct Mortality of California Black Rail

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~102~~ 85 acres of modeled primary habitat, and up to 3,044 acres of modeled secondary habitat for California black rail (Table 12-4-25). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1) and tidal habitat restoration (CM4). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate California black rail habitat. Each of these individual activities is described below. A summary statement of the combined NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities ~~and Operation~~Construction*: Construction of Alternative 4 conveyance facilities would result in the permanent loss of up to 1 acre and the temporary loss of up to ~~18~~ 21 acres of modeled primary California black rail habitat (Table 12-4-25). ~~Activities that would impact modeled habitat consists~~ The construction of a temporary transmission line in the central Delta that extends from Bouldin Island to Victoria Island would impact modeled habitat on Mandeville Island, the north end of Bacon Island, and on in-channel islands along the transmission line alignment. Other temporary impacts on modeled habitat would occur from a temporary barge unloading facility and a temporary access road along the north end of Bacon

Island, and from a temporary work area on Mandeveille Island. Geotechnical exploration could also impact black rail habitat on an in-channel island east of Bacon Island. Up to 1 acre of habitat would be permanently lost from the construction of a permanent transmission line at the northeast corner of Clifton Court Forebay in CZ 8. ~~of tunnel construction, temporary access roads, and construction of transmission lines in the central Delta in CZ 5 (between Bouldin and Venice Islands), CZ 6 (east of Bacon Island), and CZ 8 (at the north end of Coney Island).~~ The CM1 footprint intersects with one California black rail occurrence on Mandeville Island, from the footprint of ~~a~~ the temporary transmission line. The implementation of *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~) would minimize the effects of construction on ~~adjacent~~ rails if present in or adjacent to ~~the~~ the work area. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed views of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction or channel modification from fish passage improvements associated with the Yolo Bypass would result in the permanent removal of approximately 5 acres of primary California black rail habitat in CZ 2. There are no occurrences of California black rail that intersect with the CM1 footprint. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: California black rail modeled habitat would be affected by tidal marsh restoration. Some California black rail modeled habitat would be permanently lost such that it no longer serves as habitat, while other modeled habitat would change value through conversion from one habitat type to another. Tidal habitat restoration site preparation and inundation would result in the permanent loss of 79 acres of primary habitat and 3,044 acres of secondary habitat for California black rail. Of the 79 acres of primary habitat lost, an estimated 76 acres would be converted to low marsh, or secondary habitat, for the species due to increased water elevations.

  The majority of the effects of tidal natural communities restoration would occur in Suisun Marsh (CZ 11). Much of the natural wetland habitat that would be removed occurs in isolated patches and would be replaced by larger continuous areas of tidal wetlands that are expected to support higher habitat functions for the rail than the impacted wetlands. As described in the BDCP, restoration of up to 24,000 acres of tidal freshwater emergent wetland in the Delta and at least 6,000 acres of tidal brackish emergent wetland natural communities in CZ 11 by the late long-term would benefit California black rail. The primary habitat for the species in the Delta consists of inchannel islands, which are in areas that are most vulnerable to the effects of sea level rise in the study area. Tidal restoration under CM4 would ensure that land is protected adjacent to current habitat in the delta with the consideration of sea level rise. Tidal restoration projects would include an ecotone between wetlands and transitional uplands which would provide upland refugia for the species.

  The tidal natural communities restoration would be phased through the course of the BDCP restoration program to allow for recovery of some areas before the initiation of restoration actions in other areas. However, California black rails have a greater use of mature tidal marshes and, therefore, it would be years before the newly restored marshes provided suitable habitat for the species. In the long-term, tidal natural communities restoration is expected to have little to no adverse effects on California black rail habitat because the habitat removed would be replaced by a greater acreage of high-value tidal wetland and, thus, is expected to provide a benefit for California black rail.

- *CM11 Natural Communities Enhancement and Management:* A variety of habitat management actions contained in *CM11 Natural Communities Enhancement and Management* that are designed to enhance wildlife values in restored and protected tidal wetland habitats may result in localized ground disturbances that could temporarily remove small amounts of California black rail habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, are expected to have minor adverse effects on available California black rail habitat and are expected to result in overall improvements and maintenance of California black rail habitat values over the term of the BDCP. Noise and visual disturbances during implementation of habitat management actions could also result in temporary disturbances that affect California black rail use of the surrounding habitat. These effects cannot be quantified, but would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP. *AMM38 California Black Rail* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* are described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). Additional actions under CM11 include the control of nonnative predators to reduce nest predation as needed.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect California black rail use of the surrounding habitat in Suisun and the central Delta. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction vehicle activity may cause injury or mortality to California black rail. If rails are present adjacent to covered activities, the operation of equipment for land clearing, construction, conveyance facilities operation and maintenance, and habitat restoration, enhancement, and management could result in injury or mortality of California black rail. Increased vehicular traffic associated with BDCP actions could contribute to a higher incidence of road kill. However, ~~conducting construction outside of the breeding season where feasible (reducing the risk of impacting active nests), construction monitoring, and other measures would be implemented to avoid and minimize~~ injury or mortality of the species during ~~construction~~project activities would be minimized by establishing 500-foot no-disturbance buffers around identified territorial calling centers during the breeding season, as required by ~~AMM1–AMM7 and *AMM19*~~ *AMM38* ~~*California Clapper Rail and*~~ *California Black Rail*.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. With Alternative 4 implementation, there would be a loss of 1,~~080~~ 084 acres of modeled habitat for California black rail in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~18~~ 22 acres of primary habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement* and *CM4 Tidal Natural Communities Restoration*–76 acres of primary habitat, 986 acres of secondary habitat).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities that would be affected and that are identified in the biological goals and objectives for California black rail in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of wetland natural communities such as tidal freshwater emergent wetland, tidal brackish emergent wetland, and managed wetland. Using this ratio would indicate that ~~18~~ 22 acres of tidal natural communities should be restored/created to compensate for the CM1 losses of California black rail habitat. The near-term effects of other conservation actions would remove 1,062 acres of tidal natural communities, therefore requiring 1,062 acres of tidal natural communities restoration using the same typical NEPA and CEQA ratio (1:1 for restoration).

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland, 8,850 acres of tidal freshwater emergent wetland, and 4,800 acres of managed wetland in the Plan Area (Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are all associated with CM4 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on California black rail. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1 in BDCP Chapter 3, *Conservation Strategy*, of the Draft BDCP) and the tidal freshwater emergent wetland would be restored in CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, and/or CZ 7 (Objective TFEWNC1.1). In addition, tidal brackish and tidal freshwater emergent wetlands would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objectives TBEWNC1.4 and TFEWNC2.2). Portions of the 4,800 acres of managed wetland protected and enhanced in CZ 11 would benefit the California black rail through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickleweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). These Plan objectives represent performance standards for considering the effectiveness of CM4 restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives for California black rail satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement the following avoidance and minimization measures that will help to avoid and minimize adverse effects on California black rail: *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail*. *AMM38 California Black Rail* requires surveys for California black rail and the implementation of avoidance and minimization measures including the establishment of a 500 foot no disturbance buffer around any identified calling stations. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and*

Minimization Measures, of the Draft BDCP, and *AMM38 California Black Rail* and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 7,467 acres of primary and 17,915 acres of secondary habitat for California black rail. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~102~~ 105 acres of primary habitat and 3,044 acres of secondary habitat for California black rail during the term of the Plan (1% of the total primary habitat in the study area and 17% of the total secondary habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM4 Tidal Natural Communities Restoration* to restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 (Objective TBEWNC1.1) and at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1). These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches, and at least 1,500 acres of restored marsh would consist of middle-and high-marsh vegetation with dense, tall stands of pickleweed and bulrush cover serving as primary habitat for California black rail in Suisun Marsh (Objective TBEWNC1.1). In the Delta, at least 1,700 acres of upland refugia for California black rail would be created between the restored tidal freshwater emergent wetlands and transitional uplands to provide cover from predators (Objectives TBEWNC1.4, TFEWNC2.2, and CBR1.1). Portions of the 8,100 acres of managed wetland protected and enhanced in CZ 11 as part of *CM3 Natural Communities Protection and Restoration* would benefit the California black rail through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickleweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). Additional pressures on the species such as loss of habitat from invasive species and mortality from nest predators would also be addressed through the BDCP. Perennial pepperweed, which outcompetes suitable nesting habitat for California black rail (such as pickleweed) would be reduced to no more than 10% cover in the tidal brackish emergent wetland natural community within CZ 11 (Objective TBEWNC2.1). In addition, nonnative predators would be controlled to reduce nest predation if necessary through *CM11 Natural Communities Enhancement and Management*.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above would result in the restoration of 3,579 acres of primary habitat and 12,115 acres of secondary habitat for California black rail and the protection of 275 acres of secondary habitat for the species.

NEPA Effects: The loss of California black rail habitat and potential direct mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM4, guided by the biological objectives for the species and by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California*

Black Rail, which would be in place ~~throughout the construction period~~during all project activities, the effects of Alternative 4 as a whole on California black rail would not be adverse under NEPA.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. With Alternative 4 implementation, there would be a loss of 1,~~080~~ 084 acres of modeled habitat for California black rail in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~18~~ 22 acres of primary habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement* and *CM4 Tidal Natural Communities Restoration*–76 acres of primary habitat, 986 acres of secondary habitat).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities that would be affected and that are identified in the biological goals and objectives for California black rail in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of wetland natural communities such as tidal freshwater emergent wetland, tidal brackish emergent wetland, and managed wetland. Using this ratio would indicate that ~~18~~ 22 acres of tidal natural communities should be restored/created to mitigate the CM1 losses of California black rail habitat. The near-term effects of other conservation actions would remove 1,062 acres of tidal natural communities, therefore requiring 1,062 acres of tidal natural communities restoration using the same typical NEPA and CEQA ratio (1:1 for restoration).

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland, 8,850 acres of tidal freshwater emergent wetland, and 4,800 acres of managed wetland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are all associated with CM4 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on California black rail. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1) and the tidal freshwater emergent wetland would be restored in CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, and/or CZ 7 (Objective TFEWNC1.1). In addition, tidal brackish and tidal freshwater emergent wetlands would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objectives TBEWNC1.4 and TFEWNC2.2). Portions of the 4,800 acres of managed wetland protected and enhanced in CZ 11 would benefit the California black rail through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickleweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). These Plan objectives represent performance standards for considering the effectiveness of CM4 restoration actions.

The Plan also includes commitments to implement the following avoidance and minimization measures that will help to avoid and minimize adverse effects on California black rail: *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill*

Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 Barge Operations Plan, and ~~*AMM19*~~ *AMM38* ~~*California Clapper Rail and*~~ *California Black Rail*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and RTM storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and *AMM38 California Black Rail* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* are~~is~~ described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, Avoidance and Minimization Measures.~~

In the absence of other conservation actions, the loss of California black rail habitat and potential direct mortality of this species under Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities. As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts. ~~and t~~Thus, there would be minimal lag time between impacts and implementation of those measures designed to offset those impacts ~~to~~on natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes~~. In addition, ~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail and AMM1–AMM7 would avoid and minimize potential impacts on the species from construction-related habitat loss and noise and disturbance. Because the number of acres required to meet the typical mitigation ratio described above would be only ~~3,608~~1,084 acres of restored/created tidal natural communities, the 10,850 acres of tidal brackish and tidal freshwater emergent wetland restoration and the 4,100 acres of managed wetland protection and enhancement contained in the near-term Plan goals, and the additional detail in the biological goals and objectives for California black rail, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality under Alternative 4 would be less than significant under CEQA. No mitigation would be required.

Late Long-Term Timeframe

The study area supports approximately 7,467 acres of primary and 17,915 acres of secondary habitat for California black rail. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~102~~ 105 acres of primary habitat and 3,044 acres of secondary habitat for California black rail during the term of the Plan (1% of the total primary habitat in the study area and 17% of the total secondary habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM4 Tidal Natural Communities Restoration* to restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 (Objective TBEWNC1.1) and at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (TFEWNC1.1). These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches and much of the restored marsh would consist of middle-and high-marsh vegetation with dense, tall stands of pickelweed and bulrush cover, serving as primary habitat for California black rail in Suisun Marsh (Objective TBEWNC1.1). In the Delta, at least 1,700 acres of upland refugia for California black rail would be created between the restored tidal freshwater emergent wetlands and transitional uplands to provide cover from predators (Objectives

TBEWNC1.4, TFEWNC2.2, and CBR1.1). Portions of the 8,100 acres of managed wetland protected and enhanced in CZ 11 as part of *CM3 Natural Communities Protection and Restoration* would benefit the California black rail through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). Additional pressures on the species such as loss of habitat from invasive species and mortality from nest predators would also be addressed through the BDCP. Perennial pepperweed, which outcompetes suitable nesting habitat for California black rail (such as pickleweed) would be reduced to no more than 10% cover in the tidal brackish emergent wetland natural community within CZ 11 (TBEWNC2.1). In addition, nonnative predators would be controlled to reduce nest predation if necessary through *CM11 Natural Communities Enhancement and Management*.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and ~~*AMM19*~~ *AMM38* ~~*California Clapper Rail and*~~ *California Black Rail*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and *AMM38 California Black Rail* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above would result in the restoration of 3,579 acres of primary habitat and 12,115 acres of secondary habitat for California black rail and the protection of 275 acres of secondary habitat for the species.

In the absence of other conservation actions, the loss of California black rail habitat and potential direct mortality of this species under Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. This impact would be considered significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities. Considering these protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on California black rail. No mitigation would be required.

Impact BIO-58: Effects on California Black Rail Associated with Electrical Transmission Facilities

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of California black rail. Black~~ A variety of rail species are known to suffer mortality from transmission line collision, likely associated with migration and flights between foraging areas (Eddleman ~~et al~~ et al.1994). Due to their wing shape and body size, rails have low to moderate flight maneuverability (Bevanger 1998), increasing susceptibility to collision mortality. However, there are relatively few records of California black rail collisions with overhead wires. California black rails exhibit daytime site fidelity and a lack of long-distance night migration, two factors which are associated with low collision risk in avian species (Eddleman et al. 1994). California black rail movements in the study area are likely short, seasonal, and at low altitudes, typically less than 16 feet (5 meters) (Eddleman et al, 1994). There are numerous occurrences within 1 mile of the proposed temporary transmission line which extends north-south between Bouldin Island and Clifton Court Forebay. However, although ~~While~~ the species may have low to moderate flight maneuverability, the bird's behavior (e.g., sedentary, nonmigratory, ground-nesting and foraging, solitary, no flocking, secretive) reduces potential exposure to overheard wires and vulnerability to collision mortality (~~BDCP~~ see Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*, of the Draft BDCP). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). For example, Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. As described in *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which would eliminate any potential for mortality of California black rail individuals from powerline collisions.

Transmission line poles and towers also provide perching substrate for raptors, which are predators on California black rail. Although there is potential for temporary transmission lines constructed in the Delta to ~~which could result in~~ increase~~d~~ perching opportunities for raptors and result in increased predation pressure on local black rails~~.~~, ~~Little~~ little is currently known about the seasonal movements of black rails or the potential for increased predation on rails near power poles. Therefore, because of the limited area over which poles are installed relative to the amount of California black rail habitat in the Delta, it is assumed that the increase in predation risk on California black rail from an increase in raptor perching opportunities is negligible.~~However, transmission facilities are expected to have few adverse effects on the black rail population.~~

NEPA Effects: The construction and presence of new transmission lines would not represent an adverse effect because the risk of bird strike is considered to be minimal based on the species' flight behaviors. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines~~ and select existing powerlines~~, which would ~~further minimize~~eliminate or nearly eliminate the risk of ~~bird strike~~mortality from bird strike for California black rails ~~in the Delta~~from the project. The increase in predation risk on California black rail from an increase in raptor perching opportunities is considered negligible because of the limited area over which poles are installed relative to the amount of California black rail habitat in the Delta. Therefore, the construction and operation of new transmission lines would not result in an adverse effect on California black rail. ~~Transmission line structures could increase predation on local black rails by providing perching structures for raptors. However, these impacts on the California black rail population are not expected to be adverse.~~

CEQA Conclusion: The construction and presence of new transmission lines would have a less-than-significant impact on California black rail because the risk of bird strike is considered to be minimal based on the species' flight behaviors. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new ~~powerlines and select existing powerlines~~transmission lines, which would ~~further minimize~~eliminate or nearly eliminate the risk of bird strike for California black rails ~~in the Delta~~from the project. The increase in predation risk on

California black rail from an increase in raptor perching opportunities is considered negligible the limited area over which poles are installed relative to the amount of California black rail habitat in the Delta Therefore, the construction and operation of new transmission lines under Alternative 4 would result in a less-than-significant impact on California black rail. ~~Transmission line structures could increase predation on local black rails by providing perching structures for raptors. However, these impacts on the California black rail population are expected to be less than significant. No mitigation is required.~~

Impact BIO-59: Indirect Effects of Plan Implementation on California Black Rail

Indirect construction-related effects: Both primary and secondary habitat for California black rail within the vicinity of proposed construction areas could be indirectly affected by construction activities. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 500 feet from the construction edge. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there is no available data to determine the extent to which these noise levels could affect California black rail. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect California black rail in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to California black rail habitat could also affect the species.

If construction occurs during the nesting season, these indirect effects could result in the loss or abandonment of nests, and mortality of any eggs and/or nestlings. However, there is a commitment in ~~AMM19~~ AMM38 California Black Rail (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~as described insee BCDP Appendix 3.C, *Avoidance and Minimization Measures*, in the Draft BDCP~~) that preconstruction surveys of potential breeding habitat would be conducted within 700 feet of project activities, and a 500-foot no-disturbance buffer would be established around any territorial call-centers during the breeding season. In addition, construction would be avoided altogether if breeding territories cannot be accurately delimited.

Salinity: Water operations under Operational Scenario A would have an effect on salinity gradients in Suisun Marsh. These effects cannot be disaggregated from tidal habitat restoration, which would also cause changes in salinity gradients. It is expected that the salinity of water in Suisun Marsh would generally increase as a result of water operations and operations of salinity-control gates to mimic a more natural water flow. This would likely encourage the establishment of tidal wetland plant communities tolerant of more brackish environments, which should be beneficial to California black rail because its historical natural Suisun Marsh habitat was brackish tidal marsh.

Methylmercury Exposure: The modeled primary habitat for California black rail includes tidal brackish emergent wetland and tidal freshwater emergent wetland in Suisun Marsh and the Delta west of Sherman Island, and instream islands and White Slough Wildlife Area in the central Delta. Black rails typically occur in the high marsh zone near the upper limit of tidal flooding in salt and brackish habitats. Low marsh, managed wetlands, and the upland fringe are considered secondary habitat. California black rails are a top predator in the benthic food chain; they nest and forage in dense vegetation and prey on isopods, insects and arthropods from the surface of mud and vegetation They also consume insects and seeds from bulrushes (*Schoenoplectus* spp.) and cattails (*Typha* spp.) (Eddleman et al. 1994).

Largemouth bass was used as a surrogate species for analysis (see Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~Appendix D~~). Results of the quantitative modeling of mercury effects on largemouth bass as a surrogate species would overestimate the effects on Black rail. Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009). Modeled effects of mercury concentrations from changes in water operations under CM1 on largemouth bass did not differ substantially from existing conditions; therefore, results also indicate that black rail mercury tissue concentrations would not measurably increase as a result of CM1 implementation.

~~Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury.~~ Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury ~~(see BDCP Chapter 3, *Conservation Strategy*, for details of restoration)~~. In general, the highest methylation rates are associated with high tidal marshes (primary black rail habitat) that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008); however, the majority of the overlap between restoration areas and black rail habitat is within Suisun Marsh, where conversion of managed wetlands to tidal wetlands is expected to result in an overall reduction in mercury methylation. Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects. Conservation Measure CM 12, described below, will be implemented to address this risk of low level increases in methylmercury which could add to the current elevated tissue concentrations. ~~Increased methylmercury associated with natural community and floodplain restoration may indirectly affect California black rail, via uptake in lower tropic levels (as described in the BDCP Appendix 5.D, *Contaminants*). In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008).~~

~~The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level.~~ Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*, is included to provide for site-specific evaluation for each restoration project. If a project is identified where there is a high potential for methylmercury production that could not be fully addressed through restoration design and adaptive management, alternate restoration areas would be considered. CM-12 would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.

- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~*CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring, CM12 is expected to reduce the effects of methylmercury resulting from BDCP natural communities and floodplain restoration on California black rail.~~

~~Concentrations of methylmercury known to cause reproductive effects in birds have been found in blood and feather samples of San Francisco Bay black rails (Tsao et al. 2009). Because they forage directly in contaminated sediments, California black rails may be especially prone to methylmercury contamination. Currently, it is unknown how much of the sediment-derived methylmercury enters the food chain in Suisun Marsh or what tissue concentrations are actually harmful to the California black rail. Although tidal habitat restoration might increase methylation of mercury export to other habitats, it is unlikely to increase the exposure of California black rails to methylmercury, as they currently reside in tidal marshes in the Delta and the San Francisco Bay, where elevated methylmercury levels exist. Sites-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would address the uncertainty of methylmercury levels in restored tidal marsh.~~

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including California black rail. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on California black rail.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on California black rail from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Noise and visual disturbances related to construction-related activities from conservation measures could disturb California black rail habitat adjacent to work sites. Potential effects of noise and visual disturbances on California black rail would be minimized with ~~*AMM19 California Clapper Rail and*~~ *AMM38 California Black Rail*. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of spills from occurring and ensure that measures were in place to prevent runoff from the construction area and to avoid negative effects of dust on the species.

Implementation of Operational Scenario A, including operation of salinity-control gates, and tidal habitat restoration are expected to increase water salinity in Suisun Marsh, which would be expected to establish tidal marsh similar to historic conditions.

Tidal habitat restoration could result in increased exposure of California black rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Restoration Actions that would create high and low tidal marsh, which is Black Rail habitat, could provide biogeochemical conditions for methylation of mercury in the in the newly inundated soils. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the planned ROA's do not overlap with the areas of highest mercury concentrations, which are in the in Yolo Bypass. Also, the conversion of managed wetlands to tidal wetlands in Suisun Marsh would be expected to reduce the overall production of methylmercury, resulting in a net benefit to species. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.

~~The indirect effects associated with noise and visual disturbances, potential spills of hazardous material, changes in salinity, and increased exposure to selenium from Alternative 4 implementation~~

~~would not have an adverse effect on California black rail. Tidal habitat restoration is unlikely to have a substantial effect on California black rail through increased exposure to methylmercury, as rails currently reside in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management*, would address the uncertainty of methylmercury levels in restored tidal marsh. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for California black rail, once site specific sampling and other information could be developed.~~

CEQA Conclusion: Noise and visual disturbances related to construction-related activities and other conservation measures could disturb primary and secondary California black rail habitat adjacent to work sites. ~~*AMM19*~~ *AMM38* ~~*California Clapper Rail and*~~ *California Black Rail* would avoid and minimize impacts on California black rail from noise and visual disturbance. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect California black rail in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to California black rail habitat could also affect the species. These impacts on California black rail would ~~be less than significant~~not be adverse with the incorporation of AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, into the BDCP.

Implementation of Operational Scenario A, including operation of salinity-control gates, and tidal habitat restoration are expected to increase water salinity in Suisun Marsh. These salinity gradient changes should have a beneficial impact on California black rail through the establishment of tidal marsh similar to historic conditions.

Tidal habitat restoration could result in increased exposure of California black rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. With implementation of AMM27, potential for increased selenium exposure would result in no adverse effect on the species.

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Restoration Actions that would create high and low tidal marsh, which is Black Rail habitat, could provide biogeochemical conditions for methylation of mercury in the in the newly inundated soils. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the planned ROA's do not overlap with the areas of highest mercury concentrations, which are in the in Yolo Bypass. Also, the conversion of managed wetlands to tidal wetlands in Suisun Marsh would be expected to reduce the overall production of methylmercury, resulting in a net benefit to species. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.

~~Tidal habitat restoration is unlikely to have a significant impact on California black rail through increased exposure to methylmercury, as rails currently reside in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are~~

~~harmful to the species. Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management*, would address the uncertainty of methylmercury levels in restored tidal marsh. Tidal habitat restoration could result in increased exposure of California black rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. T~~With these measures in place, indirect effects of plan implementation would not result in a substantial adverse effect on the species through habitat modification or potential mortality of a special-status species. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on California black rail. No mitigation would be required.

Impact BIO-60: Fragmentation of California Black Rail Habitat as a Result of Conservation Component Implementation

Restoration activities may temporarily fragment existing wetlands in Suisun Marsh and could create temporary barriers to California black rail movements. Grading, filling, contouring and other initial ground-disturbing activities could remove habitat along movement corridors used by individuals and potentially temporarily reduce access to adjacent habitat areas. The temporary adverse effects of fragmentation of tidal brackish emergent wetland habitat for California black rail or restoration activities resulting in barriers to movement would be minimized through sequencing of *CM4 Tidal Natural Community Restoration* activities. The tidal natural communities restoration would be phased through the course of the BDCP restoration program to allow for recovery of some areas before restoration actions are initiated in other areas. In addition, *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail* would avoid and minimize effects on California black rail.

***NEPA Effects*:** The fragmentation of existing wetlands and creation of temporary barriers to movement would not represent an adverse effect on California black rail as a result of habitat modification of a special-status species because *CM4 Tidal Natural Communities Restoration* would be phased to allow for the recovery of some areas before restoration actions are initiated in other areas. In addition, *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail* would avoid and minimize effects on California black rail.

***CEQA Conclusion*:** The fragmentation of existing wetlands and creation of temporary barriers to movement would represent a less-than-significant impact on California black rail as a result of habitat modification of a special-status species because *CM4 Tidal Natural Communities Restoration* would be phased to allow for the recovery of some areas before restoration actions are initiated in other areas. In addition, *~~AMM19~~ AMM38 ~~California Clapper Rail and~~ California Black Rail* would avoid and minimize impacts on California black rail. No mitigation would be required.

Impact BIO-61: Periodic Effects of Inundation of California Black Rail Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from *CM2 Yolo Bypass Fisheries Enhancement* would not result in the periodic inundation of modeled habitat for California black rail. There are no records for California black rails in the Yolo Bypass, although the species is highly secretive and the extent to which the area has been surveyed for California black rails is unknown. Therefore, there is potential for the species to occur in the Yolo Bypass. In addition, rails may occur in the bypass after restoration activities are completed. However, periodic inundation would not result in permanent habitat loss and would not prevent use of the bypass by current or future rail populations.

Based on hypothetical floodplain restoration for *CM5 Seasonally Inundated Floodplain Restoration*, construction of setback levees could result in increased magnitude, frequency and duration of periodic inundation by up to 6 acres of modeled California black rail habitat in CZ 7. The risk of changes in inundation frequency, magnitude, and duration through CM2 and CM5 affecting California black rail are considered to be low, and would not be expected to result in adverse effects on the species.

NEPA Effects: Periodic inundation under *CM2 Yolo Bypass Fisheries Enhancement* and *CM5 Seasonally Inundated Floodplain Restoration* would not represent an adverse effect on California black rail as a result of habitat modification of a special-status species because periodic inundation would not result in permanent habitat loss and would not prevent use of the bypass by current or future rail populations. The risk of changes in inundation frequency and duration through CM2 and CM5 affecting California black rail is considered to be low.

CEQA Conclusion: Periodic inundation under *CM2 Yolo Bypass Fisheries Enhancement* and *CM5 Seasonally Inundated Floodplain Restoration* would represent a less-than-significant impact on California black rail because periodic inundation would not result in permanent habitat loss and would not prevent use of the bypass by current or future rail populations. The risk of changes in inundation frequency and duration as a result of CM2 and CM5 affecting California black rail is considered to be low. No mitigation would be required.

California Clapper Rail[1]

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on California clapper rail. California clapper rail modeled habitat includes primarily middle marsh habitat with select emergent wetland plant alliances. High marsh is also used if it is of high value, and low marsh provides foraging habitat for the species. California clapper rail secondary habitats generally provide only a few ecological functions such as foraging (low marsh) or high-tide refuge (upland transition zones), while primary habitats provide multiple functions including breeding, effective predator cover, and foraging opportunities. Further details regarding the habitat model, including assumptions on which the model is based, are provided in ~~BDCP~~ Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of California clapper rail modeled habitat as indicated in Table 12-4-26. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the California clapper rail (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

[1] Based on recent genetic studies by Maley and Brumfield (2013) and Chesser et al. (2014), the "California" (*Rallus longirostris obsoletus*), "Yuma" (*R. l. yumanensis*), and "light-footed" (*R. l. levipes*) subspecies of clapper rail are now recognized by the American Ornithologists' Union (AOU) as a separate species: Ridgway's rail (*Rallus obsoletus*). As such, the taxon formerly known as California clapper rail (*R. l. obsoletus*) is now California Ridgway's rail (*R. o. obsoletus*). For the purposes of this document, the "California clapper rail" common name has been retained due to its use in previous BDCP documents.

- Restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 including at least 1,500 acres of middle and high marsh (Objectives TBEWNC1.1 and TBEWNC1.2, associated with CM4).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments (including *CM12 Methylmercury Management* as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) and implementation of AMM1–AMM7, *~~AMM18~~ AMM19 California Clapper Rail ~~and California Black Rail~~*, and *AMM27 Selenium Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), impacts on the California clapper rail would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-26. Changes in California Clapper Rail Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] CM2	Periodic[d] CM5
CM1	Primary	0	0	0	0	NA	NA
	Secondary	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**		
CM2–CM18	Primary	26	27	0	0	NA	NA
	Secondary	50	50	0	0	NA	NA
Total Impacts CM2–CM18		**76**	**77**	**0**	**0**		
TOTAL IMPACTS		**76**	**77**	**0**	**0**		

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-62: Loss or Conversion of Habitat for and Direct Mortality of California Clapper Rail

Alternative 4 conservation measures would result in the total loss or conversion of up to 35 acres of modeled clapper rail habitat consisting of 27 acres of primary habitat and 50 acres of secondary habitat (Table 12-4-26). The conservation measure that would result in these losses is tidal natural communities restoration (CM4). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could also result in local adverse habitat effects. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration*: Site preparation and inundation would convert approximately 77 acres of modeled California clapper rail habitat (27 acres of primary habitat, 50 acres of secondary habitat), the majority of which would occur in CZ 11. The tidal marsh restoration action would not result in the permanent loss of any California clapper rail habitat in the study area. However, approximately 27 acres of primary habitat would be converted to secondary low marsh habitat and 50 acres of secondary habitat would be converted to middle or high marsh. Full implementation of CM4 would restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11. Tidal wetlands would be restored as a mosaic of large, interconnected, and biologically diverse patches that supported a natural gradient extending from subtidal to the upland fringe. Much of the restored tidal brackish emergent wetland would meet the primary habitat requirements of the California clapper rail, including development of mid- and high-marsh vegetation with dense, tall stands of pickleweed cover. Restoration would be sequenced and spaced in a manner that minimizes any temporary, initial loss of habitat and habitat fragmentation.

- *CM11 Natural Communities Enhancement and Management*: Because the entire California clapper rail population is restricted to the San Francisco Bay Area estuary, BDCP enhancement and restoration actions would be expected to benefit the species by creating the potential for extending its abundance and distribution in Suisun Marsh. Occupied California clapper rail habitat would be monitored to determine if there is a need for predator control actions. If implemented, nonnative predators would be controlled as needed to reduce nest predation and to help maintain species abundance. A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance wildlife values in restored and protected tidal wetland habitats could result in localized ground disturbances that could temporarily remove small amounts of California clapper rail habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available California clapper rail habitat. These potential effects are currently not quantifiable, but would be minimized with implementation of *AMM19*~~,~~ *California Clapper Rail* ~~*and California Black Rail*~~ (~~BDCP~~ see Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix 3.C, *Avoidance and Minimization Measures*, in the Draft BDCP~~).

- Operations and Maintenance: Postconstruction operation and maintenance of the restoration infrastructure could result in ongoing but periodic disturbances that could affect California clapper rail use of the surrounding habitat in Suisun. Maintenance activities could include vegetation management, and levee repair. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction vehicle activity may cause injury or mortality to California black rail. If rails are present adjacent to covered activities, the operation of equipment for land clearing, and habitat restoration, enhancement, and management could result in injury or mortality of California clapper rail. Operation of construction equipment could result in injury or mortality of California clapper rails. Risk would be greatest to eggs and nestlings susceptible to land clearing activities, nest abandonment, or increased exposure to the elements or to predators. Injury to adults and fledged juveniles is less likely as these individuals are expected to avoid contact with construction equipment. However, nest sites would be avoided during the nesting season as required by AMM1–AMM7 and *AMM19 California Clapper Rail* ~~*and California Black Rail*~~.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. There would be no impacts resulting from the construction of the water conveyance facilities (CM1). However, there would be a loss of 76 acres of modeled habitat for California clapper rail in the study area in the near-term. These effects would result from implementing *CM4 Tidal Natural Communities Restoration* (26 acres of primary and 50 acres of secondary habitat).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected by CM4 and that are identified in the biological goals and objectives for California clapper rail in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of tidal brackish emergent habitat. Using this ratio would indicate that 76 acres of tidal brackish emergent wetland should be restored/created to compensate for the CM4 losses of California clapper rail habitat.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland in the Plan Area (Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM4 and would occur in the same timeframe as the early restoration losses, thereby avoiding adverse effects on California clapper rail. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objectives TBEWNC1.4). These biological goals and objectives would inform the near-term restoration efforts and represent performance standards for considering the effectiveness of restoration actions. These Plan objectives represent performance standards for considering the effectiveness of CM4 restoration actions. The acres of restoration contained in the near-term Plan goals satisfy the typical mitigation that would be applied to the near-term effects of tidal restoration.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM19 California Clapper Rail*~~ and California Black Rail~~. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM19 California Clapper Rail* ~~is~~are described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 296 acres of primary and 6,420 acres of secondary habitat for California clapper rail. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 27 acres of primary habitat and to 50 acres of secondary habitat for California clapper rail during the term of the Plan (9% of the total primary habitat in the study area and less than 1% of the total secondary habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes commitments through *CM4 Tidal Natural Communities Restoration* to restore or create at least 6,000 acres of tidal brackish emergent wetlands for California clapper rail in Suisun Marsh in CZ 11 (Objective TBEWNC1.1). These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches and at least 1,500 acres of the restored marsh would consist of middle-and high-marsh vegetation, serving as primary habitat for California clapper rail in Suisun Marsh (Objectives TBEWNC1.1 and TBEWNC1.2). Additional pressures on the species such as loss of habitat from invasive species and mortality from nest predators would also be addressed through the BDCP. Perennial pepperweed, which outcompetes suitable clapper rail habitat (such as pickleweed) would be reduced to no more than 10% cover in the tidal brackish emergent wetland natural community within CZ 11 (TBEWNC2.1). In addition, nonnative predators would be controlled to reduce nest predation if necessary through *CM11 Natural Communities Enhancement and Management*.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, would result in the restoration of 1,500 acres of primary habitat and 4,500 acres of secondary habitat for California clapper rail.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM19 California Clapper Rail* ~~*and California Black Rail*~~. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM19 California Clapper Rail* are ~~AMM6 is~~ described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of California clapper rail habitat associated with Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality in the absence of other conservation actions. However, with habitat protection and restoration associated with CM4, guided by biological goals and objectives and by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM19 California Clapper Rail* ~~*and California Black Rail*~~, which would be in place during all project activities~~throughout the construction period~~, the effects of Alternative 4 as a whole on clapper rail would not be adverse under NEPA.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. There would be no impacts resulting from the construction of the water conveyance facilities (CM1). However, there would be a loss of 76 acres of modeled habitat for California clapper rail in the study area in the near-term from the implementation of *CM4 Tidal Natural Communities Restoration* (26 acres of primary and 50 acres of secondary habitat).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected by CM4 and that are identified in the biological goals and objectives for California clapper rail in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of tidal brackish emergent habitat. Using this ratio would indicate that 76 acres of tidal brackish emergent wetland should be restored/created to mitigate the CM4 losses of California clapper rail habitat.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland in the study area. These conservation actions are associated with CM4 and would occur in the same timeframe as the early restoration losses, thereby avoiding adverse effects on California clapper rail. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objectives TBEWNC1.4).

These biological goals and objectives would inform the near-term restoration efforts and represent performance standards for considering the effectiveness of restoration actions. These Plan objectives represent performance standards for considering the effectiveness of CM4 restoration actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM19 California Clapper Rail~~ and California Black Rail~~*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM19 California Clapper Rail* are ~~AMM6 is~~ described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the loss of California clapper rail habitat and potential direct mortality of this species under Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities. As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts. ~~and t~~Thus, there would be minimal lag time between impacts and implementation of those measures designed to offset those impacts ~~to~~on natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of restoration impacts to constitute adequate mitigation for CEQA purposes.~~ In addition, *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ and AMM1–AMM7 would avoid and minimize potential impacts on the species from construction-related habitat loss and noise and disturbance. Because the number of acres required to meet the typical mitigation ratio described above would be only 76 acres of restored tidal natural communities, the 2,000 acres of tidal brackish emergent wetland restoration contained in the near-term Plan goals, and the additional detail in the biological objectives for California clapper rail, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality under Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 296 acres of primary and 6,420 acres of secondary habitat for California clapper rail. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 27 acres of primary habitat and to 8 acres of secondary habitat for California clapper rail during the term of the Plan (9% of the total primary habitat in the study area and less than 1% of the total secondary habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes a commitment to restore or create at least 6,000 acres of tidal brackish emergent wetlands for California clapper rail in Suisun Marsh in CZ 11 (Objective TBEWNC1.1). These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches and much of the restored marsh would consist of middle-and high-marsh vegetation with dense, tall stands of pickelweed, serving as primary habitat for clapper rail in Suisun Marsh (Objective TBEWNC1.1). Additional pressures on the species such as loss of habitat from invasive species and mortality from nest predators would also be addressed through the BDCP. Perennial pepperweed, which outcompetes suitable clapper rail habitat (such as pickleweed) would be reduced to no more than 10% cover in the tidal brackish emergent wetland natural community within CZ 11 (TBEWNC2.1). In addition, nonnative predators would be controlled to reduce nest predation if necessary through *CM11 Natural Communities Enhancement and Management*.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, would result in the restoration of 1,500 acres of primary habitat and 4,500 acres of secondary habitat for California clapper rail.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM19 California Clapper Rail* ~~*and California Black Rail*~~. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM19 California Clapper*

Rail are ~~AMM6 is~~ described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on California clapper rail.

Impact BIO-63: Indirect Effects of Plan Implementation on California Clapper Rail

Indirect construction-related effects: California clapper rail habitat within the vicinity of proposed restoration areas could be indirectly affected by construction activities. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 500 feet from the construction edge. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect California clapper rail. The use of mechanical equipment during construction-related restoration activities could cause the accidental release of petroleum or other contaminants that could affect clapper rail in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to California clapper rail habitat could also affect the species. If construction occurs during the nesting season, these indirect effects could result in the loss or abandonment of nests, and mortality of any eggs and/or nestlings. However, there is a commitment in *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ (~~as described in~~see Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*, in the Draft BDCP~~) that preconstruction surveys of potential breeding habitat would be conducted within 500 feet of project activities, and a 500-foot no-disturbance buffer would be established around any territorial call-centers during the breeding season. In addition, construction would be avoided altogether if breeding territories cannot be accurately delimited.

Preconstruction surveys conducted under *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ would ensure construction-related noise and visual disturbances would not have an adverse effect on California clapper rail. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring and ensure measures were in place to prevent runoff from the construction area and to avoid negative effects of dust on the species. Therefore, with the implementation of AMM1–AMM7 and *AMM19 California Clapper Rail* ~~*and California Black Rail*~~, there would be no adverse effect on California ~~black~~ clapper rail.

Salinity: Water operations under Operational Scenario A would have an effect on salinity gradients in Suisun Marsh. These effects cannot be disaggregated from tidal habitat restoration, which would also cause changes in salinity gradients. It is expected that the salinity of water in Suisun Marsh would generally increase as a result of water operations and operations of salinity-control gates to mimic a more natural water flow. This would likely encourage the establishment of tidal wetland plant communities tolerant of more brackish environments, which would be beneficial to California clapper rail because its historical natural Suisun Marsh habitat was brackish tidal marsh.

Methylmercury Exposure: California clapper rail modeled habitat includes primarily middle marsh habitat with select emergent wetland plant alliances in Suisun Marsh. High marsh is also used if it is of high value, and low marsh provides foraging habitat for the species. California clapper rails are a top predator in the benthic food chain; they forage by probing their beaks into the mud (Zembal and Fancher 1988) and prey primarily on mussels, spiders, seeds and hulls of cordgrass, and insects (Eddleman and Conway 1998).

Largemouth bass was used as a surrogate species for analysis (see Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~Appendix D~~). Results of the quantitative modeling of mercury effects on largemouth bass as a surrogate species would overestimate the effects on Black rail. Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009).

~~Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury.~~ Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury. ~~(see BDCP Chapter 3, *Conservation Strategy*, for details of restoration). Concentrations of methylmercury known to be toxic to bird embryos have been found in the eggs of San Francisco Bay clapper rails (Schwarzbach and Adelsbach 2003). In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008).~~ Concentrations of methylmercury known to be toxic to bird embryos have been found in the eggs of San Francisco Bay clapper rails (Schwarzbach and Adelsbach 2003); however, c~~C~~urrently, it is unknown how much of the sediment-derived methylmercury enters the food chain in Suisun Marsh or what tissue concentrations are actually harmful to the California clapper rail. ~~However, although tidal habitat restoration might increase methylation of mercury export to other habitats, it is unlikely to significantly increase the exposure of California clapper rails to methylmercury, as they currently reside in tidal marshes where elevated methylmercury levels exist. *CM12 Methylmercury Management* includes project-specific management plans including monitoring and adaptive management to address the uncertainty of methylmercury levels in restored tidal marsh.~~ In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). In Suisun Marsh, the conversion of managed wetlands to tidal wetlands is expected to result in an overall reduction in mercury methylation. Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*, is included to provide for site-specific evaluation for each restoration project. If a project is identified where there is a high potential for methylmercury production that could not be fully addressed through restoration design and adaptive management, alternate restoration areas would be considered. CM-12 would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.

- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including California clapper rail. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on California clapper rail.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on California clapper rail from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Noise and visual disturbances related to construction-related activities from conservation measures could disturb California clapper rail habitat adjacent to work sites. Potential effects of noise and visual disturbances on California clapper rail would be minimized with *AMM19 California Clapper Rail* ~~*and California Black Rail*~~. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of spills from occurring and ensure that measures were in place to prevent runoff from the construction area and to avoid negative effects of dust on the species.

Implementation of Operational Scenario A, including operation of salinity-control gates, and tidal habitat restoration are expected to increase water salinity in Suisun Marsh, which would be expected to establish tidal marsh similar to historic conditions.

Tidal habitat restoration could result in increased exposure of California clapper rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

~~The indirect effects associated with noise and visual disturbances, potential spills of hazardous material, changes in salinity, and increased exposure to selenium from Alternative 4 implementation would not have an adverse effect on California clapper rail.~~ Restoration Actions that would create tidal marsh could provide biogeochemical conditions for methylation of mercury in the in the newly inundated soils. There is potential for increased exposure of the California clapper rail foodweb to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the conversion of managed wetlands to tidal wetlands in Suisun Marsh would be expected to reduce the overall production of methylmercury, resulting in a net benefit to species. ~~Tidal habitat restoration is unlikely to have an adverse effect on California clapper rail through increased exposure to methylmercury, as rails currently reside in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area.~~ Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.~~Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management*, would address the uncertainty of methylmercury levels in restored tidal marsh. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for California clapper rail, once site specific sampling and other information could be developed.~~

The indirect effects associated with noise and visual disturbances, potential spills of hazardous material, changes in salinity, and increased exposure to selenium from Alternative 4 implementation would not have an adverse effect on California clapper rail.

CEQA Conclusion: Noise and visual disturbances related to construction-related activities from ~~the CMs~~conservation measures could disturb California clapper rail habitat adjacent to work sites. *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ would avoid and minimize impacts on California clapper rail from noise and visual disturbance. The use of mechanical equipment during restoration activities ~~water conveyance facilities construction~~ could cause the accidental release of petroleum or other contaminants ~~that could affect California clapper rail in the surrounding habitat.~~

~~The~~or the inadvertent discharge of sediment or excessive dust adjacent to California clapper rail habitat which could adversely ~~could also~~ affect the species. These impacts on California clapper rail would ~~be less than significant~~not be adverse with the incorporation of AMM1–AMM7 into the BDCP.

Implementation of Operational Scenario A, including operation of salinity-control gates, and tidal habitat restoration are expected to increase water salinity in Suisun Marsh. These salinity gradient changes should have a beneficial impact on California clapper rail through the establishment of tidal marsh similar to historic conditions.

Tidal habitat restoration could result in increased exposure of California clapper rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management* which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Restoration Actions that would create tidal marsh could provide biogeochemical conditions for methylation of mercury in the in the newly inundated soils. There is potential for increased exposure of the California clapper rail foodweb to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the conversion of managed wetlands to tidal wetlands in Suisun Marsh would be expected to reduce the overall production of methylmercury, resulting in a net benefit to species. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.~~Although tidal habitat restoration might increase methylation of mercury export to other habitats, it is unlikely to significantly increase the exposure of California clapper rails to methylmercury, as they currently reside in tidal marshes in the San Francisco Bay, where elevated methylmercury levels exist. It is unknown what concentrations of methylmercury are harmful to the species. *CM12 Methylmercury Management* includes project-specific management plans including monitoring and adaptive management to address the uncertainty of methylmercury levels in restored tidal marsh.~~ Tidal habitat restoration could result in increased exposure of California clapper rail to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management* which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

With these measures in place, indirect effects of plan implementation would not result in a substantial adverse effect on the species through habitat modification or potential mortality of a special-status species. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on California clapper rail.

Impact BIO-64: Effects on California Clapper Rail Associated with Electrical Transmission Facilities

Isolated patches of suitable California clapper rail habitat may occur in the study area as far east as (but not including) Sherman Island. Home range and territory of the California clapper rail is not known, but in locations outside of California, clapper rail territory ranges 0.3 acre to 8 acres (0.1 to 3.2 hectares) (Rush et al. 2012), indicating that known occurrences are not likely to intersect with the proposed lines (BDCP Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). The location of the current population and suitable habitat for the species make collision with the proposed transmission lines highly unlikely.

NEPA Effects: The construction and presence of new transmission lines would not have an adverse effect on California clapper rail because the location of the current population and suitable habitat for the species would make collision with the proposed transmission lines highly unlikely.

CEQA Conclusion: The construction and presence of new transmission lines would have a less-than-significant impact on California clapper rail because the location of the current population and suitable habitat for the species would make collision with the proposed transmission lines highly unlikely.

Impact BIO-65: Fragmentation of California Clapper Rail Habitat as a Result of Conservation Component Implementation

Restoration activities may temporarily fragment existing wetlands in Suisun Marsh and could create temporary barriers to movements of California clapper rail. Grading, filling, contouring and other initial ground-disturbing activities could remove habitat along movement corridors used by individuals and, thus, temporarily reduce access to adjacent habitat areas. The temporary adverse effects of fragmentation of tidal brackish emergent wetland habitat for California clapper rail or restoration activities resulting in barriers to movement would be minimized through sequencing of restoration activities to minimize effects of temporary habitat loss. The tidal natural communities restoration would be phased through the course of the BDCP restoration program to allow for recovery of some areas before restoration actions are initiated in other areas. In addition, *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ would avoid and minimize effects on California clapper rail.

NEPA Effects: The fragmentation of existing wetlands and creation of temporary barriers to movement would not represent an adverse effect on California clapper rail as a result of special-status species habitat modification because *CM4 Tidal Natural Communities Restoration* would be phased to allow for the recovery of some areas before restoration actions are initiated in other areas. In addition, *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ would avoid and minimize effects on California clapper rail.

CEQA Conclusion: The fragmentation of existing wetlands and creation of temporary barriers to movement would represent a less-than-significant impact on California clapper rail as a result of habitat modification of a special status species because *CM4 Tidal Natural Communities Restoration* would be phased to allow for the recovery of some areas before initiating restoration actions in other areas. In addition, In addition, *AMM19 California Clapper Rail* ~~*and California Black Rail*~~ would avoid and minimize effects on California clapper rail.

California Least Tern

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on California least tern. California least tern modeled habitat identifies foraging habitat as all tidal perennial aquatic natural community in the study area. Breeding habitat is not included in the model because most of the natural shoreline in the study area that historically provided nesting sites has been modified or removed.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of California least tern modeled foraging habitat as indicated in Table 12-4-27. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit California least tern (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore and protect at least 65,000 acres of tidal natural communities and transitional uplands to accommodate sea level rise (Objective L1.3, associated with CM4).
- Within the at least 65,000 acres of tidal natural communities and transitional uplands, restore or create tidal perennial aquatic natural community as necessary when creating tidal emergent wetland (Objective TPANC1.1, associated with CM4).
- Control invasive aquatic vegetation that adversely affects native fish habitat (Objective TPANC2.1, associated with CM13).

Least terns currently nest on artificial fill adjacent to tidal perennial aquatic habitat in the vicinity of Suisun Marsh and west Delta, and additional nesting could occur at the edge of tidal perennial waters whenever disturbed or artificial sites mimic habitat conditions sought for nesting (i.e., sandy or gravelly substrates with sparse vegetation).

As explained below, with the restoration and protection of tidal perennial aquatic foraging habitat, in addition to natural community enhancement and management commitments (including CM12 *Methylmercury Management* as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) and implementation of AMM1–AMM7, *AMM27 Selenium Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), and mitigation to avoid impacts on terns should they nest in the study area, impacts on the California least tern would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-27. Changes in California Least Tern Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Foraging	207	207	2,098	2,098	NA	NA
Total Impacts CM1		**207**	**207**	**2,098**	**2,098**	**NA**	**NA**
CM2–CM18	Foraging	38	46	11	16	NA	NA
Total Impacts CM2–CM18		**38**	**46**	**11**	**16**	**NA**	**NA**
TOTAL IMPACTS		**245**	**253**	**2,109**	**2,114**	**NA**	**NA**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-66: Loss or Conversion of Habitat for and Direct Mortality of California Least Tern

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 2,~~341~~ 367 acres of modeled foraging habitat for California least tern (Table 12-4-27). The conservation measures that would result in these losses are construction of water conveyance facilities and operation (CM1), Yolo Bypass Fisheries Enhancement (CM2), Tidal Natural Communities Restoration (CM4), and Seasonally Inundated Floodplain Restoration (CM5). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could also result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate California least tern foraging habitat. Each of these individual activities is described below. A summary statement of the combined impacts, NEPA effects, and CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 2,~~279~~ 305 acres of modeled California least tern aquatic foraging habitat (Table 12-4-27). Of these acres, ~~178~~ 207 acres would be a permanent loss the majority of which would occur where Intakes 2, 3 and 5 encroach on the Sacramento River's east bank between Clarksburg and Courtland. Permanent losses would also occur where new control structures would be built into the California Aqueduct and the Delta Mendota Canal adjacent to Clifton Court Forebay. The temporary effects on tidal perennial aquatic habitats would occur at numerous locations, with the largest affect occurring at Clifton Court Forebay, where the entire forebay would be dredged to provide additional storage capacity. Other temporary effects would occur in the Sacramento River at Intakes 2, 3, and 5, and at temporary barge unloading facilities established at three locations along the tunnel route. The CM1 footprint does not overlap with any California least tern occurrences. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed views of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of Yolo Bypass fisheries enhancement (CM2) would result in the permanent loss of 8 acres and the temporary loss of 11 acres of modeled aquatic foraging habitat for California least tern in CZ 2. Activities from Fremont and Sacramento Weir improvements, Putah Creek realignment, and Lisbon Weir modification could involve excavation and grading in tidal perennial aquatic areas to improve passage of fish through the bypasses. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration actions would result in the permanent loss of 36 acres of modeled aquatic foraging habitat for California least tern. An estimated 65,000 acres of tidal wetlands would be restored during tidal habitat restoration, consistent with BDCP Objective L1.3. Of these acres, an estimated 27,000 acres of tidal perennial aquatic would be restored, based on modeling conducted by ESAPWA (refer to Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). This restoration is consistent with BDCP Objective TPANC1.1. Tidal perennial aquatic restoration would be expected to substantially increase the primary productivity of fish, increasing the prey base for California least tern. Approximately 3,400 acres of the restoration would happen during the first 10 years of BDCP implementation, which would coincide with the timeframe of water conveyance facilities construction. The remaining restoration would be phased over the following 30 years. Some of the restoration would occur in the lower Yolo Bypass, but restoration would also be spread among the Suisun Marsh, South Delta, Cosumnes/Mokelumne and West Delta ROAs.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would result in the permanent loss of 2 acres and the temporary loss of 5 acres of modeled aquatic foraging habitat for California least tern. This activity is scheduled to start following construction of water conveyance facilities, which is expected to take 10 years. Specific locations for the floodplain restoration have not been identified, but it is expected that much of the activity would occur in the south Delta along the major rivers.

- *CM11 Natural Communities Enhancement and Management:* Noise and visual disturbances during implementation of habitat management actions could result in temporary disturbances that affect California least tern use of the surrounding habitat. These effects cannot be quantified, but are expected to be minimal because few management activities would be implemented in aquatic habitat and because terns are not expected to nest on protected lands. Surveys would be conducted prior to ground disturbance in any areas that have suitable nesting substrate for California least tern (flat, unvegetated areas near aquatic foraging habitat) and injury mortality and noise and visual disturbance of nesting terns would be avoided and minimized by the AMMs and Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized*, described below.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic postconstruction disturbances, localized impacts on California least tern foraging habitat, and temporary noise and disturbances over the term of the BDCP. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas which could be adjacent to California least tern foraging habitat. These effects, however, would be reduced by AMMs ~~described~~ listed below.

- Injury and Direct Mortality: California least terns currently nest in the vicinity of potential restoration sites in Suisun Marsh and west Delta area (CZ 10 and CZ 11). New nesting colonies could establish if suitable nesting habitat is created during restoration activities (e.g., placement of unvegetated fill to raise surface elevations prior to breaching levees during restoration efforts). If nesting occurs where covered activities are undertaken, the operation of equipment for land clearing, construction, conveyance facilities operation and maintenance, and habitat restoration, enhancement, and management could result in injury or mortality of California least tern. Risk of injury or disturbance would be greatest to eggs and nestlings susceptible to land-clearing activities, abandonment of nests and nesting colonies, or increased exposure to the elements or to predators. Injury to adults or fledged juveniles is less likely as these individuals would be expected to avoid contact with construction equipment. However, injury or mortality would be avoided through planning and preconstruction surveys to identify nesting colonies, the design of projects to avoid locations with least tern colonies, and the provision for 500-foot buffers as required by Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized*.

The following paragraph summarizes the combined effects discussed above and describes other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. With Alternative 4 implementation, there would be a loss of 2,~~328~~ 354 acres of modeled foraging habitat for California least tern in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~279~~ 305 acres), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2], and tidal habitat restoration [CM4] - 49 acres). All modeled foraging habitat impacts would occur in tidal perennial aquatic natural communities.

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected by CM1 would be 1:1 for restoration/creation of tidal perennial aquatic habitat. Using this ratio would indicate that 2,~~279~~ 305 acres of the tidal perennial aquatic natural community should be restored/created to compensate for the CM1 losses of California least tern foraging habitat. The near-term effects of other conservation actions would remove 49 acres of tidal perennial aquatic habitat, and therefore require 49 acres of tidal perennial aquatic natural community restoration using the same typical NEPA and CEQA ratio (1:1 for restoration).

The BDCP has committed to near-term goals of restoring 19,150 acres of tidal natural communities in the Plan Area through *CM4 Tidal Natural Communities Restoration* (Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).This conservation action would result in the creation of approximately 3,400 acres of high quality tidal perennial aquatic natural community, based on modeling conducted by ESAPWA (refer to Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species, of this RDEIR/SDEIS,*). ~~(~~Tidal perennial aquatic restoration would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects on California least tern from loss of foraging habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats at or adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The California least tern is not a species that is covered under the BDCP. Although nesting by California least tern is not expected to occur, restoration sites could attract individuals wherever disturbed or artificial sites mimic habitat conditions sought for nesting (i.e., sandy or gravelly substrates with sparse vegetation). If nesting were to occur, construction activities could have an adverse effect on California least tern. Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall be Avoided and Indirect Effects on Colonies Will be Minimized*, would be available to address this adverse effect on nesting California least terns.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 86,263 acres of foraging habitat for California least tern. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 2,~~341~~ 367 acres of foraging habitat during the term of the Plan (3% of the total habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM4 Tidal Natural Communities Restoration* would restore an estimated 27,000 acres of high quality tidal perennial aquatic natural community would be restored (estimated from Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). The restoration would occur over a wide region of the study area, including within the Suisun Marsh, Cosumnes/Mokelumne, Cache Creek, and South Delta ROAs (see Figure 12-1).

NEPA Effects: The loss of California least tern foraging habitat and potential direct mortality associated with Alternative 4 would represent an adverse effect in the absence of other conservation actions. Although nesting by California least tern is not expected to occur in the study area, restoration sites could attract individuals wherever disturbed or artificial sites mimic habitat conditions sought for nesting (i.e., sandy or gravelly substrates with sparse vegetation). If nesting were to occur, construction activities could have an adverse effect on California least tern. Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall be Avoided and Indirect Effects on Colonies will be Minimized*, would be available to address this effect on nesting California least terns. With habitat restoration associated with CM4, guided by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*, which would be in place during all project activities~~throughout the construction period~~, the effects of Alternative 4 as a whole on California least tern would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. With Alternative 4 implementation, there would be a loss of 2,~~328~~ 354 acres of modeled foraging habitat for California least tern in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~279~~ 305 acres), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2], and tidal habitat restoration [CM4] - 49 acres). All modeled foraging habitat impacts would occur in tidal perennial aquatic natural communities.

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected by CM1 would be 1:1 for restoration/creation of tidal perennial aquatic habitat. Using this ratio would indicate that 2,~~279~~ 305 acres of the tidal perennial aquatic natural community should be restored/created to compensate for the CM1 losses of California least tern foraging habitat. The near-term effects of other conservation actions would remove 49 acres of tidal perennial aquatic habitat, and therefore require 49 acres of tidal perennial aquatic natural community restoration using the same typical NEPA and CEQA ratio (1:1 for restoration).

The BDCP has committed to near-term goals of restoring 19,150 acres of tidal natural communities in the Plan Area through *CM4 Tidal Natural Communities Restoration* (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Modeling conducted by ESA PWA indicates that this conservation action would result in the creation of approximately 3,400 acres of high-value tidal perennial aquatic natural community (refer to Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). Tidal perennial aquatic restoration would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects on California least tern.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Spoils, Reusable Tunnel Material, and Dredged Material Disposal Plan*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats at or adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation measures, the effects on California least tern habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. Although nesting by California least tern is not expected to occur, restoration sites could attract individuals wherever disturbed or artificial sites mimic habitat conditions sought for nesting (i.e., sandy or gravelly substrates with sparse vegetation). If nesting were to occur, construction activities could have a significant impact on California least tern. Implementation of Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall be Avoided and Indirect Effects on Colonies Will be Minimized*, would reduce the impact on nesting California least terns to a less-than-significant level.

As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts. ~~and~~ T~~t~~hus, there would be minimal lag time between impacts and implementation of those measures designed to offset those impacts ~~to~~on natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes~~. In addition, AMM1–AMM7 and Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall be Avoided and Indirect Effects on Colonies will be Minimized*, would avoid and minimize potential impacts on the species from construction-related habitat loss and noise and disturbance. Because the number of acres required to meet the typical mitigation ratio described above would be only 2,309 acres of restored tidal perennial aquatic habitat, the 3,400 acres of tidal perennial aquatic restoration estimated in the near-term, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality under Alternative 4 would be less than significant under CEQA. No mitigation would be required.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 86,263 acres of foraging habitat for California least tern. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 2,~~341~~ 367 acres of foraging habitat during the term of the Plan (3% of the total habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through CM4 Tidal Natural Communities Restoration to restore an estimated 27,000 acres of high-value tidal perennial aquatic natural community (estimated from Table 5 in ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP). The restoration would occur over a wide region of the study area, including within the Suisun Marsh, Cosumnes/Mokelumne, Cache Creek, and South Delta ROAs (see Figure 12-1).

In the absence of other conservation actions, the loss of California least tern foraging habitat and potential direct mortality associated with Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. Although nesting by California least tern is not expected to occur, restoration sites could attract individuals wherever disturbed or artificial sites mimic habitat conditions sought for nesting (i.e., sandy or gravelly substrates with sparse vegetation). If nesting were to occur, construction activities could have a significant impact on California least tern. The loss of California least tern foraging habitat and potential direct mortality associated with Alternative 4 would represent a significant impact in the absence of other conservation actions.

~~The loss of California least tern foraging habitat and potential direct mortality associated with Alternative 4 would represent a significant impact in the absence of other conservation actions.~~ However, with habitat restoration associated with CM4, guided by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and implementation of Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimize*d, the loss of habitat or mortality under this alternative would have a less-than-significant impact on California least tern. No mitigation would be required.

Mitigation Measure BIO-66: California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized

If suitable nesting habitat for California least tern (flat unvegetated areas near aquatic foraging habitat) is identified during planning level surveys, DWR will ensure that a qualified biologist with experience observing the species and its nests conducts at least three preconstruction surveys for this species during the nesting season. DWR will design projects to avoid the loss of California least tern nesting colonies. No construction will take place within 500 feet California least tern nests during the nesting season (April 15 to August 15 or as determined through surveys). Only inspection, maintenance, research, or monitoring activities may be performed during the least tern breeding season in areas within or adjacent to least tern breeding habitat with USFWS and CDFW approval under the supervision of a qualified biologist.

Impact BIO-67: Indirect Effects of Plan Implementation on California Least Tern

Indirect construction- and operation-related effects: Indirect effects associated with construction that could affect California least tern include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 500 feet from the construction edge. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft~~

~~BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect California least tern. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect California least tern or their prey species in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to foraging habitat could also affect the species. Noise and visual disturbance is not expected to have an adverse effect on California least tern foraging behavior. As described in Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized*, if least tern nests were found during planning or preconstruction surveys, no construction would take place within 500 feet of active nests. In addition, AMM1–AMM7, including construction best management practices, would minimize the likelihood of spills or excessive dust being created during construction. Should a spill occur, implementation of these AMMs would greatly reduce the likelihood of individuals being affected.

Methylmercury Exposure: Covered activities have the potential to exacerbate the bioaccumulation of mercury in ~~avian species including~~ the California least tern.

The operational impacts of new flows under CM1 were analyzed using a DSM-2 based model to assess potential effects on mercury concentration and bioavailability. Largemouth bass were used as a surrogate species for this analysis and results would be expected to be similar or lower for the California least tern. ~~Subsequently, a regression model was used to estimate fish-tissue concentrations under these future operational conditions (evaluated starting operations or ESO).~~ Results indicated that changes in total mercury levels in water and large mouth bass~~fish~~ tissues ~~due to ESO~~ were insignificant (see Draft BDCP Appendix 5.D, *Contaminants*, Tables 5D.4-3, 5D.4-4, and 5D.4-5).

Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury ~~(see BDCP Chapter 3, *Conservation Strategy*, for details of restoration)~~. Increased methylmercury associated with natural community and floodplain restoration may indirectly affect California least tern, via uptake through consumption of prey~~in lower tropic levels~~ (as described in the ~~BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP). ~~In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level.~~

Schwarzbach and Adelsbach (2003) investigated mercury exposure in 15 species of birds inhabiting the Bay-Delta ecosystem. Among the species studied, the highest concentrations of mercury were found in the eggs of piscivorous birds (terns and cormorants) that bioaccumulate mercury from their fish prey. The very highest concentrations were found in Caspian and Forster's terns, especially those inhabiting South San Francisco Bay. Based on three California least tern eggs collected from Alameda Naval Air Station in the San Francisco Central Bay, concentrations in California least tern eggs were a third (0.3 ppm) those of the eggs of the other two terns. Because of the small sample size, there is a high degree of uncertainty regarding the levels of mercury that may be present in California least tern eggs. If the mercury levels measured at Alameda Naval Air Station are representative of the population in the San Francisco Bay, they would not be expected to result in adverse effects on tern hatchlings. Hatching and fledging success were not reduced in common tern eggs in Germany with mercury concentrations of 6.7 ppm (Hothem and Powell 2000).

Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects. CM-12, described below, will be implemented to address this risk of low level increases in methylmercury which could add to the current elevated tissue concentrations.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~*CM12 Methylmercury Management* includes provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on California least tern.~~

Selenium: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including California least tern. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on California least tern.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on California least tern from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Noise and visual disturbances within 500 feet of construction-related activities from the CMs could disturb California least tern foraging habitat adjacent to work sites. Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized*, would be available to address this potential adverse effect. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of spills from occurring and ensure that measures were in place to prevent runoff from the construction area and to avoid negative effects of dust on the species.

Tidal habitat restoration could result in increased exposure of California least tern to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. ~~The indirect effects associated with noise and visual disturbances, potential spills of hazardous material, and increased exposure to selenium from Alternative 4 implementation would not have an adverse effect on California least tern.~~

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Tidal habitat restoration could result in increased exposure of California least tern to methylmercury. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, it is unknown what concentrations of methylmercury are harmful to the species, and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on California least tern. The~~

~~site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for California least tern, once site specific sampling and other information could be developed.~~

CEQA Conclusion**:** Noise and visual disturbances within 500 feet of construction-related activities from the CMs could disturb California least tern foraging habitat adjacent to work sites. Mitigation Measure BIO-66, *California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized*, would avoid ~~and minimize impacts on potential nesting California least terns from noise and visual disturbance~~this potential adverse effect.

AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of spills from occurring and ensure that measures were in place to prevent runoff from the construction area and to avoid negative effects of dust on the species. ~~The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect California least tern if present in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to California least tern habitat could also affect the species. These impacts on California least tern would be less than significant with the incorporation of AMM1–AMM7 into the BDCP.~~

Tidal habitat restoration could result in increased exposure of California least tern to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Tidal habitat restoration could result in increased exposure of California least tern to methylmercury. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, it is unknown what concentrations of methylmercury are harmful to the species, and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.~~Tidal habitat restoration could result in increased exposure of California least tern to methylmercury. However, it is unknown what concentrations of methylmercury are harmful to the species. Sites-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on California least tern. Tidal habitat restoration could result in increased exposure of California least tern to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.~~

With AMM1-7, AMM12, AMM27, and CM12 in place, in addition to the implementation of Mitigation Measure BIO-66, the indirect effects of plan implementation would not result in a substantial adverse effect on the species through habitat modification or potential mortality of a special-status species. Therefore, ~~With these measures in place,~~ the indirect effects of Alternative 4 implementation would have a less-than-significant impact ~~not have an adverse effect~~ on California least tern.

Mitigation Measure BIO-66, California Least Tern Nesting Colonies Shall Be Avoided and Indirect Effects on Colonies Will Be Minimized

See Mitigation Measure BIO-66 under Impact BIO-66.

Impact BIO-68: Effects on California Least Tern Associated with Electrical Transmission Facilities

The risk of mortality of California least tern from the construction of new transmission lines is considered to be minimal based on tern flight behaviors and its unlikely use of habitats near the transmission line corridors. Terns exhibit low wing loading and high aspect-ratio wings and as a result can maneuver relatively quickly around an obstacle such as a transmission line. Their wing structure and design allows for rapid flight and quick, evasive actions (see Draft BDCP Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new project transmission lines would be fitted with flight diverters. Bird flight diverters would make transmission lines highly visible to California least terns and would substantially reduce the potential for powerline collisions.

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of California least tern. This risk is considered to be minimal based on tern flight behaviors and its unlikely use of habitats near the transmission line corridors.~~

NEPA Effects: The construction and presence of new transmission lines would not represent an adverse effect on California least tern as a result of direct mortality of a special-status species because they are uncommon in the vicinity of proposed transmission lines and because the probability of bird-powerline strikes is highly unlikely due to tern flight behaviors. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would not result in an adverse effect on California least tern~~The construction and presence of new transmission lines would not represent an adverse effect on California least tern as a result of direct mortality of a special-status species because they are not known to be present in areas of disturbance and because the probability of bird-powerline strikes is unlikely due to tern flight behaviors.~~

CEQA Conclusion: The construction and presence of new transmission lines would represent a less-than-significant impact on California least tern as a result of direct mortality of a special-status species because they are uncommon in the vicinity of proposed transmission lines and because the probability of bird-powerline strikes is highly unlikely due to tern flight behaviors. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would result in a less-than-significant impact on California least tern~~not known to be present in areas of disturbance and because the probability of bird-powerline strikes is unlikely due to tern flight behaviors~~.

Greater Sandhill Crane

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on greater sandhill crane. Greater sandhill cranes in the study area are almost entirely dependent on privately owned agricultural lands for foraging. Long-term sustainability of the species is thus dependent on providing a matrix of compatible crop types that afford suitable foraging habitat and maintaining compatible agricultural practices, while sustaining and increasing the extent of other essential habitat elements such as night roosting habitat. The habitat model for greater sandhill crane includes "roosting and foraging" and "foraging" habitat. These habitat types include certain agricultural types, specific grassland types, irrigated pastures and hay crops, managed seasonal wetland, and other natural seasonal wetland. Roosting and foraging habitat includes known, traditional roost sites that also provide foraging habitat (~~BDCP~~ see Appendix 2.A *Covered Species Accounts*, of the Draft BDCP). Both temporary and permanent roost sites were identified for greater Sandhill crane. Permanent roosting and foraging sites are those used regularly, year after year, while temporary roosting and foraging sites are those used in some years. Factors included in assessing the loss of foraging habitat for the greater sandhill crane includes the relative habitat value of specific crop or land cover types, and proximity to known roost sites. Foraging habitat for greater sandhill crane included crop types and natural communities up to 4 miles from known roost sites, within the boundary of the winter crane use area (~~BDCP~~ see Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP).

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of foraging and roosting habitat for greater sandhill crane as indicated in Table 12-4-28. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the greater sandhill crane (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 7,300 acres of high- to very high-value habitat for greater sandhill crane, with at least 80% maintained in very high-value types in any given year. This protected habitat will be within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and will consider sea level rise and local seasonal flood events, greater sandhill crane population levels, and the location of foraging habitat loss. Patch size of protected cultivated lands will be at least 160 acres (Objective GSHC1.1, associated with CM3).
- To create additional high-value greater sandhill crane winter foraging habitat, 10% of the habitat protected under Objective GSHC1.1 will involve acquiring low-value habitat or nonhabitat areas and converting it to high- or very high-value habitat. Created habitat will be within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and will consider sea level rise and local seasonal flood events, greater sandhill crane population levels, and the location of foraging habitat loss (Objective GSHC1.2, associated with CM3).
- Create at least 320 acres of managed wetlands in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6, with consideration of sea level rise and local seasonal flood events. The wetlands will be located within 2 miles of existing permanent roost sites and protected in association with other protected natural community types (excluding nonhabitat cultivated lands) at a ratio of 2:1 upland to wetland to provide buffers around the wetlands (Objective GSHC1.3, associated with CM3).
- Create at least two 90-acre wetland complexes within the Stone Lakes National Wildlife Refuge project boundary. The complexes will be no more than 2 miles apart and will help provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations. Each

complex will consist of at least three wetlands totaling at least 90 acres of greater sandhill crane roosting habitat, and will be protected in association with other protected natural community types (excluding nonhabitat cultivated lands) at a ratio of at least 2:1 uplands to wetlands (i.e., two sites with at least 90 acres of wetlands each). One of the 90-acre wetland complexes may be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. (Objective GSHC1.4, associated with CM10).

- Create an additional 95 acres of roosting habitat within 2 miles of existing permanent roost sites. The habitat will consist of active cornfields that are flooded following harvest to support roosting cranes and that provide highest-value foraging habitat. Individual fields will be at least 40 acres and can shift locations throughout the Greater Sandhill Crane Winter Use Area, but will be sited with consideration of the location of roosting habitat loss and will be in place prior to roosting habitat loss (Objective GSCH1.5, associated with CM3).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Target cultivated land conservation to provide connectivity between other conservation lands (Objective CLNC1.2, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments (including *CM12 Methylmercury Management* as revised in Appendix D, *Substantive BDCP Revisions, i*n this RDEIR/SDEIS) and implementation of AMM1–~~AMM7~~AMM6, *AMM20 Greater Sandhill Crane*, *AMM27 Selenium Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), and *AMM30 Transmission Line Design and Alignment Guidelines*, impacts on the greater sandhill crane would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-28. Changes in Greater Sandhill Crane Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Roosting and Foraging - Permanent	0	0	3	3	NA	NA
	Roosting and Foraging - Temporary	16	16	85	85	NA	NA
	Foraging	1,799	1,799	850	850	NA	NA
Total Impacts CM1		**1,815**	**1,815**	**938**	**938**	**NA**	**NA**
CM2–CM18	Roosting and Foraging - Permanent	0	0	0	0	0	0
	Roosting and Foraging - Temporary	0	41	0	0	0	0
	Foraging	2,776	4,367	0	0	0	0
Total Impacts CM2–CM18		**2,776**	**4,408**	**0**	**0**	**0**	**0**
Total Roosting/Foraging – Permanent		**0**	**0**	**3**	**3**	**0**	**0**
Total Roosting/Foraging – Temporary		**16**	**57**	**85**	**85**	**0**	**0**
Total Foraging		**4,575**	**6,166**	**850**	**850**	**0**	**0**
TOTAL IMPACTS		**4,591**	**6,223**	**938**	**938**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-69: Loss or Conversion of Habitat for and Direct Mortality of Greater Sandhill Crane

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~94~~ 145 acres of modeled roosting and foraging habitat (~~70~~ 57 acres of permanent loss, ~~24~~ 88 acres of temporary loss) and ~~8,026~~7,161 acres of foraging habitat for greater sandhill crane (~~7,065~~6,223 of permanent loss, ~~961~~ 938 acres of temporary loss; see Table 12-4-28). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Tidal Natural Communities Restoration (CM4), Grassland Natural Community Restoration (CM8), Nontidal Marsh Natural Community Restoration (CM10), and Natural Communities Enhancement and Management (CM11). The majority of habitat loss would result from water conveyance facility construction and conversion of habitat to tidal natural communities through CM4. Habitat enhancement and management activities through CM11, which include ground disturbance or removal of nonnative vegetation, could also result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate greater sandhill crane modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts, NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities ~~and Operation~~Construction*: Construction of Alternative 4 conveyance facilities as they are currently designed would result in the combined permanent loss of up to ~~2,728~~1,815 acres of modeled greater sandhill crane habitat. This would consist of the permanent removal of ~~29~~ 16 acres of temporary roosting and foraging habitat, and ~~2,699~~1,799 acres of foraging habitat. Foraging habitat that would be permanently impacted by CM1 would consist of ~~2,138~~1,050 acres of very high-value, ~~169~~ 29 acres of high-value, ~~and 365~~ 199 acres of medium-value, and 492 acres of low-value foraging habitat (Table 12-4-29). In addition, ~~8~~ 3 acres of permanent roosting and foraging habitat, ~~16~~ 85 acres of temporary roosting and foraging habitat, and ~~961~~ 850 acres of foraging habitat would be temporarily removed (Table 12-4-29). The temporarily removed habitat would consist primarily of cultivated lands and it would be restored within one year following construction~~.~~; h~~H~~owever, it would not necessarily be restored to its original topography and it could be restored as grasslands in the place of cultivated lands. CM1 activities that would result in temporary impacts would include temporary access roads, reusable tunnel material~~borrow and spoil~~ sites, and work areas for construction.

  The acres of ~~temporary and permanent~~ roosting and foraging habitat that would be removed would occur from the construction of a temporary transmission line~~is located~~ on ~~Staten Island,~~ Zacharias Island, Bouldin Island, and Venice Island and ~~the losses would be a result of installation of permanent and temporary transmission lines and~~from the construction of a temporary concrete batch plant and a permanent access road on Bouldin Island;~~associated access roads. However~~however, the implementation of *AMM20 Greater Sandhill Crane* would require that CM1 activities be designed to avoid direct loss of crane roost sites. This includes a provision that the final transmission line alignment would be designed to avoid crane roost sites. Avoidance of crane roost sites would be accomplished either by siting activities outside of identified roost sites or by relocating the roost site if it consisted of cultivated lands (roost sites consisting of wetlands would not be subject to re-location). Relocated roost sites would be established prior to construction activities affecting the original roost site (as described in *AMM20 Greater Sandhill Crane*, in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed. The potential for ~~injury and direct mortality~~greater sandhill crane bird strike on ~~from~~ electrical transmission facilities is addressed below under Impact BIO-70.

Approximately ~~2,347~~1,480 acres of the permanent loss of foraging habitat would be from the storage of reusable tunnel material. This material would likely be moved to other sites for use in levee build-up and restoration, and the affected area would likely eventually be restored. ~~While~~ This ~~this~~ effect is categorized as permanent because there is no assurance that the material would eventually be moved~~, the effect would likely be temporary~~. ~~The actual footprint of the storage areas required for reusable tunnel material is flexible, and the actual acreage of habitat affected by this activity could be reduced based on the height of the storage piles in addition to other considerations.~~ The implementation of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* (see Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS), would require that the areas used for reusable tunnel material storage be minimized in crane foraging habitat and completely avoid crane roost sites.

Construction-related activities would not be expected to result in direct mortality of greater sandhill crane if they were present in the study area, because cranes would be expected to avoid contact with construction and other equipment. The potential for greater sandhill crane bird strike on electrical transmission lines is discussed below under Impact BIO-70.

~~Staten Island is among the most significant crane use areas in the Delta (Littlefield and Ivey 2000) and approximately 1,257 acres of the foraging habitat permanently lost would be from storage of reusable tunnel material on Staten Island. As described above, AMM6 would require that the actual footprint of this impact be minimized in crane foraging habitat. Specifically, AMM6 would require that reusable tunnel material storage on Staten Island be sized and located in coordination with greater sandhill crane experts, USFWS, and CDFW to reduce potential effects on greater sandhill crane.~~ ~~*AMM20 Greater Sandhill Crane*~~ ~~includes specific measures to reduce potential effects of construction on greater sandhill cranes on Staten Island. A conveyor belt located down the center of Staten Island would convey RTM from the tunnel to the RTM storage area at the south end of the island. This would potentially minimize the disturbance of increased truck traffic for RTM disposal although the effects of the conveyor belt on sandhill cranes cannot be directly quantified.~~ The effects of noise and visual disturbance from CM1 construction activities are discussed under Impact BIO-71. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

Table 12-4-29. Value of Greater Sandhill Crane Foraging Habitat affected by Alternative 4

Foraging Habitat Value Class	Land Cover Type	Acres Affected by CM1 permanent ~~(~~[temporary] (acres)~~temporary)~~	Acres Affected by CM2–CM18 (permanent acres~~(temporary~~)
Very high	Corn, rice	474 [224]~~2,138 (209)~~	~~525~~ 576 (0)
High	~~Alfalfa and alfalfa mixtures, mixed pasture, native pasture, wheat~~Wheat, ~~other pasture, irrigated pasture,~~ managed wetlands, ~~native vegetation~~	202 [95]~~169 (263)~~	~~1,732~~662 (0)

Foraging Habitat Value Class	Land Cover Type	Acres Affected by CM1 permanent ~~(~~[temporary] (acres)~~temporary)~~	Acres Affected by CM2–CM18 (permanent acres~~(temporary~~)
Medium	Alfalfa and alfalfa mixtures, irrigated mixed pasture, irrigated native pasture, irrigated pasture, irrigated other pasture, ~~Grain~~ grain and hay crops, miscellaneous grain and hay, mixed grain and hay, nonirrigated mixed grain and hay, other grain crops, sudan, miscellaneous grasses, grassland, alkali seasonal wetlands, vernal pool complex	579 [273]~~365 (244)~~	1,~~018~~ 784 (0)
Low	Other irrigated crops, idle cropland, blueberries, asparagus, clover, cropped within the last 3 years, grain sorghum, green beans, miscellaneous truck, miscellaneous field, new lands being prepped for crop production, nonirrigated mixed pasture, nonirrigated native pasture, onions, garlic, peppers, potatoes, safflower, ~~sudan,~~ sugar beets, tomatoes (processing), melons squash and cucumbers all types, artichokes, beans (dry), native vegetation	544 [257]~~17 (216)~~	1,~~069~~ 374 (0)
Total~~None~~	~~Vineyards, orchards~~	1,799 [850]~~12 (29)~~	4,396~~23 (0)~~

- *CM4 Tidal Natural Communities Restoration*: Based on the hypothetical tidal restoration footprint, this activity would result in the permanent loss or conversion of approximately 2,754 acres of greater sandhill crane habitat, consisting of 41 acres of temporary roosting and foraging habitat and 2,713 acres of foraging habitat. Loss of foraging habitat from CM4 would consist of 78 acres of very high-value, ~~1,199~~129 acres of high value, ~~855~~ 1,621 acres of medium-value, and ~~558~~ 863 acres of low-value foraging habitat ~~(Table 12-4-29)~~. This loss would occur in the Cosumnes-Mokelume River and West Delta ROAs. Tidal wetland restoration in CZ 4 could occur between the high crane use areas of the central Delta and the Cosumnes River Preserve. However, the conversion of grasslands and cultivated lands to tidal wetlands would not prohibit crane movement or reduce use of these areas. In CZ 5, loss of modeled habitat would occur along the western edge of the greater sandhill crane winter use area and therefore would not result in fragmentation of traditional crane habitats. Therefore fragmentation of habitat from tidal restoration activities would be expected to be minimal. Approximately 1,951 acres of foraging habitat would be impacted within the first 10 years of Alternative 4 implementation.

- *CM8 Grassland Natural Community Restoration*: Approximately 300 acres of cultivated lands that provide foraging habitat for greater sandhill crane would be converted to grassland by the late long-term timeframe. No roosting/foraging habitat would be impacted by grassland restoration activities. The restored grasslands would continue to provide foraging habitat value for the greater sandhill crane. Approximately 257 acres would be impacted within the first 10 years of Alternative 4 implementation.

- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would result in the permanent conversion of approximately 1,350 acres of modeled foraging habitat for the greater sandhill crane. A portion of the restored nontidal marsh would be expected to continue to provide roosting and foraging habitat value for the greater sandhill crane. However, some of this restored marsh would be unsuitable as it would lack emergent vegetation and consist of open water that would be too deep to provide suitable roosting or foraging habitat. Approximately

567 acres of habitat would be converted to nontidal marsh within the first 10 years of Alternative 4 implementation.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. The potential for these activities to result in direct mortality of greater sandhill crane would be minimized with the implementation of *AMM20 Greater Sandhill Crane*. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. If new ground disturbance was necessary, greater sandhill crane habitat would be avoided, with the exception of a permanent loss of 4 acres of grassland foraging habitat (1 acre of which would be impacted within the first 10 years of Alternative 4 implementation).

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect greater sandhill crane use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, could be adverse as sandhill cranes are sensitive to disturbance. However, potential impacts would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of greater sandhill crane if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. Potential effects would be avoided and minimized with the implementation of *AMM20 Greater Sandhill Crane*. The potential for injury and direct mortality from electrical transmission facilities is discussed below under Impact BIO-70.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Based on current design footprints, Alternative 4 would remove ~~53~~ 104 acres roosting and foraging habitat (~~29~~ 16 acres of permanent loss, ~~24~~ 88 acres of temporary loss) in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1). In addition, ~~6~~5,~~436~~ 425 acres of foraging habitat would be removed or converted in the near-term (CM1, ~~3,660~~2,649 acres; *CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration*, and *CM11*

Natural Communities Enhancement and Management—2,776 acres). Of these near-term acres of foraging habitat impact, ~~5~~3,~~315~~ 839 acres would be ~~moderate~~medium- to very high-value habitat (CM1, ~~3,388~~1912 acres, CM4-11, 1,927 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for greater sandhill crane in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 protection and 1:1 restoration for loss of roost sites and 1:1 protection of high- to very high-value foraging habitat for loss of ~~moderate~~medium- to very high-value foraging habitat. Using these ratios would indicate that ~~53~~ 104 acres of greater sandhill crane roosting habitat should be restored/created and ~~53~~ 104 acres should be protected to compensate for the CM1 losses of greater sandhill crane roosting and foraging habitat. In addition, ~~3,660~~1,912 acres of high- to very high-value foraging habitat should be protected to mitigate the CM1 losses of greater sandhill crane ~~moderate~~medium- to very high-value foraging habitat. The near-term effects of other conservation actions would remove 1,927 acres of moderate- to very high-value foraging habitat, and therefore require 1,927 acres of protection of high- to very high-value foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of roosting and foraging habitat; 1:1 protection for the loss of foraging habitat).

The implementation of *AMM20 Greater Sandhill Crane* would require that no greater sandhill crane roost sites were directly impacted by CM1 covered activities (including transmission lines and their associated footprints). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed, which would avoid the CM1 impact on ~~53~~ 104 acres of roosting and foraging habitat once the project design is final. Indirect effects of construction-related noise and visual disturbance are discussed below under Impact BIO-71.

The BDCP has committed to near-term goals of creating 500 acres of managed wetlands and protecting 15,600 acres of cultivated lands in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM10 and would occur in the same timeframe as the construction and early restoration losses.

Up to 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, and would be in place prior to roosting habitat loss. Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat.

At least 15,600 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). Mitigation Measure BIO-69a would be available to guide the near-term protection of cultivated lands to ensure that the near-term impacts of moderate- to very high-value habitat for greater sandhill crane were compensated for with appropriate crop types and natural communities.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The study area supports approximately 23,919 acres of roosting and foraging habitat and 164,676 acres of foraging habitat for greater sandhill crane. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~94~~ 145 acres of roosting and foraging habitat (less than 1% of the total habitat in the study area) and ~~8~~7,~~026~~ 161 acres of foraging habitat (~~5~~4% of the total habitat in the study area) for the greater sandhill crane during the term of the Plan. The foraging habitat lost by the late long-term timeframe would consist of 6,~~663~~ 212 acres of medium- to very high-value foraging habitat. The locations of these losses are described above in the analyses of individual conservation measures. The implementation of *AMM20 Greater Sandhill Crane* would require that no roost sites were directly affected by water conveyance facilities including transmission lines and associated footprints. In addition, temporarily removed habitat would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could result in the conversion of cultivated lands to grasslands.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration* to restore or create at least 595 acres of greater Sandhill crane roost habitat (Objectives GSHC1.3, GSHC1.4, and GSHC1.5) and to protect at least 7,300 acres of high- to very high-value foraging habitat for greater Sandhill crane (Objective GSHC1.1).

Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat. Approximately 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to roosting habitat loss.

The BDCP has committed to protecting 7,300 acres of high- to very high-value greater sandhill crane foraging habitat by the late long-term timeframe with at least 80% maintained in very-high value types in any given year (Objective GSHC1.1). These acres of protected foraging habitat would be located within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and would consider sea level rise and local seasonal flood events, greater Sandhill crane population levels, and the location of foraging habitat loss. The patch size of these protected lands would be at least 160 acres (Objectives GSHC1.1 and GSHC1.2). Because agricultural habitat values change over time based largely on economically driven agricultural practices, protecting crane habitat would provide enhanced stability to agricultural habitat value within the crane use area that does not currently exist.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Based on current design footprints, Alternative 4 would remove ~~53~~ 104 acres roosting and foraging habitat (~~29~~ 16 acres of permanent loss, ~~24~~ 88 acres of temporary loss) in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1). In addition, ~~6,436~~5,425 acres of foraging habitat would be removed or converted in the near-term (CM1, ~~3~~2,~~660~~ 649 acres; *CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration*, and *CM11 Natural Communities Enhancement and Management*—2,776 acres). Of these near-term acres of foraging habitat impact, ~~5~~3,~~315~~ 839 acres would be ~~moderate~~medium- to very high-value habitat (CM1, ~~3~~1,~~388~~ 912 acres, CM4-11, 1,927 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for greater sandhill crane in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 protection and 1:1 restoration for loss of roost sites and 1:1 protection of high- to very high-value foraging habitat for loss of moderate- to very high-value foraging habitat. Using these ratios would indicate that ~~53~~ 104 acres of greater roosting habitat should be restored/created and ~~53~~ 104 acres should be protected to compensate for the CM1 losses of greater sandhill crane roosting and foraging habitat. In addition, ~~3,660~~1,912 acres of high- to very high-value foraging habitat should be protected to mitigate the CM1 losses of greater sandhill crane moderate- to very high-value foraging habitat. The near-term effects of other conservation actions would remove 1,927 acres of moderate- to very high-value foraging habitat, and therefore require 1,927 acres of protection of high- to very high-value foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of roosting and foraging habitat; 1:1 protection for the loss of foraging habitat).

The implementation of *AMM20 Greater Sandhill Crane* would require that no greater sandhill crane roost sites were directly impacted by CM1 covered activities (including transmission lines and their associated footprints). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed, which would avoid the CM1 impact on ~~53~~ 104 acres of roosting and foraging habitat once the project design is final. Indirect effects of construction-related noise and visual disturbance are discussed below under Impact BIO-71.

The BDCP has committed to near-term goals of creating 500 acres of managed wetlands and protecting 15,600 acres of cultivated lands in the Plan Area (Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM10 and would occur in the same timeframe as the construction and early restoration losses.

Up to 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, and would be in place prior to roosting habitat loss. Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and*

Countermeasure Plan, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on greater sandhill crane habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. At least 15,600 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). Mitigation Measure BIO-69a would be available to guide the near-term protection of cultivated lands to ensure that the near-term impacts of moderate- to very high-value habitat for greater sandhill crane were compensated for with appropriate crop types and natural communities. Considering the conservation actions described above, and AMMs 1-7 and AMM20, Alternative 4, over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of greater sandhill cranes. Therefore, Alternative 4 would have a less-than-significant impact on greater sandhill cranes. No mitigation would be required.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 23,919 acres of roosting and foraging habitat and 164,676 acres of foraging habitat for greater sandhill crane. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~94~~ 145 acres of roosting and foraging habitat (less than 1% of the total habitat in the study area) and ~~87~~,~~026~~ 161 acres of foraging habitat (~~5~~4% of the total habitat in the study area) for the greater sandhill crane during the term of the Plan. The foraging habitat lost by the late long-term timeframe would consist of 6,~~663~~ 212 acres of medium- to very high-value foraging habitat. The locations of these losses are described above in the analyses of individual conservation measures. The implementation of *AMM20 Greater Sandhill Crane* would require that no roost sites were directly affected by water conveyance facilities including transmission lines and associated footprints. In addition, temporarily removed habitat would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could result in the conversion of cultivated lands to grasslands.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration* to restore or create at least 595 acres of greater Sandhill crane roost habitat (Objectives GSHC1.3, GSHC1.4, and GSHC1.5) and to protect at least 7,300 acres of high- to very high-value foraging habitat for greater Sandhill crane (Objective GSHC1.1).

Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat. Approximately 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to roosting habitat loss.

The BDCP has committed to protecting 7,300 acres of high- to very high-value greater sandhill crane foraging habitat by the late long-term timeframe with at least 80% maintained in very-high value types in any given year (Objective GSHC1.1). These acres of protected foraging habitat would be located within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and would consider sea level rise and local seasonal flood events, greater Sandhill crane population levels, and the location of foraging habitat loss. The patch size of these protected lands would be at least 160 acres (Objectives GSHC1.1 and GSHC1.2). Because agricultural habitat values change over time based largely on economically driven agricultural practices, protecting crane habitat would provide enhanced stability to agricultural habitat value within the crane use area that does not currently exist.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on greater sandhill crane habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. Considering Alternative 4's protection and restoration provisions, in addition to Mitigation Measure BIO-69a, which would compensate for the loss of medium- to very high-value foraging habitat at a ratio of 1:1 prior to or concurrent with impacts, loss of habitat and direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, ~~the alternative~~Alternative 4 would have a less-than-significant impact on greater sandhill crane.

Mitigation Measure BIO-69a: Compensate for the Loss of Medium- to Very High-Value Greater Sandhill Crane Foraging Habitat

DWR must compensate for loss of greater sandhill crane medium to very high-value foraging habitat at a ratio of 1:1 by protecting or managing high- to very high-value habitat in the Plan Area. Compensation must occur prior to or concurrent with the impacts, to minimize the effects of habitat loss. The crop types and natural communities that are included in foraging habitat value categories are listed in Table 12-4-29. Foraging habitat conservation must occur within the greater sandhill crane winter use area and the location of protected habitat or conservation easements must be preapproved by the USFWS and CDFW.

Impact BIO-70: Effects on Greater Sandhill Crane Associated with Electrical Transmission Facilities

Greater sandhill cranes are susceptible to collision with power lines and other structures during periods of inclement weather and low visibility (Avian Power Line Interaction Committee 1994, Brown and Drewien 1995, Manville 2005). There are extensive existing transmission and distribution lines in the sandhill crane winter use area. These include a network of distribution lines that are between 11- and 22-kV. In addition, there are two 115-kV lines that cross the study area, one that overlaps with the greater sandhill crane winter use area between Antioch and I-5 east of Hood, and one that crosses the northern tip of the crane winter use area north of Clarksburg. There are 69-kv lines within the study area that parallel Twin Cities Road, Herzog Road, Lambert Road, and the Southern Pacific Dredge Cut in the vicinity of Stone Lakes National Wildlife Refuge. At the south end of the winter use area, there are three 230-kV transmission lines that follow I-5, and then cut southwest through Holt, and two 500-kV lines cross the southwestern corner of the winter use area. This existing network of power lines in the study currently poses a collision and electrocution risk for sandhill cranes, because they cross over or surround sandhill crane roost sites in the study area.

Both permanent and temporary electrical transmission lines would be constructed to supply construction and operational power to Alternative 4 facilities, as described below. The potential mortality of greater sandhill crane in the area of the proposed transmission lines was estimated for the Draft BDCP using collision mortality rates developed by Brown and Drewien (1995) and an estimate of potential crossings along the proposed lines (See Draft BDCP Appendix 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*). This analysis concluded that mortality risk could be substantially reduced by marking new transmission lines to increase their visibility to sandhill cranes.

Alternative 4 substantially reduced the length of permanent and temporary transmission lines as compared to the Draft BDCP, substantially reducing the likelihood of crane collisions. Under Alternative 4, no permanent transmission lines would be constructed within the greater sandhill crane winter use area. In addition, no new transmission lines (permanent or temporary) would be constructed in the vicinity of Staten Island which is one of the most important wintering sites for greater sandhill cranes in the Delta. The Alternative 4 transmission line alignment within the greater sandhill crane winter use area would be limited to three segments of temporary transmission lines: a temporary 11-mile segment extending north and south between Intake 2 and the intermediate forebay, a temporary 9-mile segment extending east and west between the intermediate forebay and the SMUD/WAPA substation, and an 11-mile segment extending north and south between Bouldin Island and Victoria Island. These three temporary lines would be removed after construction of the water conveyance facilities, after 10–14 years. Limiting the proposed transmission line footprint to temporary lines and siting these lines away from the highest use areas by greater sandhill cranes, substantially reduces the potential for sandhill crane bird strike in Alternative 4 as compared to the Draft BDCP.

In addition, after the BDCP Draft EIR/EIS was issued in December of 2013, additional avoidance features were added to *AMM20 Greater Sandhill Crane*. *AMM20 Greater Sandhill Crane* requires that Alternative 4 meets the performance standard of no mortality of greater sandhill crane associated with the new facilities. This would be achieved by implementing one or any combination of the following: (1) siting new transmission lines in lower bird strike risk zones; (2) removing, relocating or undergrounding existing lines where feasible; (3) using natural gas generators in lieu of installing transmission lines in high-risk zones of the greater sandhill crane winter use area (4) undergrounding new lines in high-risk zones of the greater sandhill crane winter use area, (5) permanently installing flight diverters on existing lines over lengths equal to or greater than the length of the new temporary transmission lines in the crane winter use area; and/or (6) for areas outside of the Stone Lakes National Wildlife Refuge project boundary, shifting locations of flooded areas that provide crane roosts to lower risk areas. These measures are described in detail in *AMM20 Greater Sandhill Crane* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS).

The implementation of the measures described above under *AMM20 Greater Sandhill Crane*, in addition to the project design changes to avoid high crane use areas, would substantially reduce the potential for crane collisions with transmission lines. Potential measures that would eliminate this risk include using natural gas generators in lieu of transmission lines or undergrounding new lines in high-risk zones in the greater sandhill crane winter use area. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality, including for sandhill cranes (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new temporary transmission lines would be fitted with flight diverters. The installation of flight diverters on existing permanent lines would be prioritized in the highest risk zones for greater sandhill crane (as described in Draft BDCP Appendix 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*) and diverters would be installed in a configuration that research indicates would reduce bird strike risk by at least 60%. Diverters would be installed on existing lines at a rate of one foot of existing transmission line for every one foot of new project transmission line constructed, in an area with equal or higher greater sandhill crane bird strike risk. Placing diverters on existing lines would be expected to reduce existing mortality in the Plan Area and therefore result in a net benefit to the greater sandhill crane population because these flight diverters would be maintained in perpetuity.

~~New transmission lines installed in the study area would increase the risk for bird-power line strikes, which could result in injury or mortality of greater sandhill cranes. Both permanent and temporary electrical transmission lines would be constructed to supply construction and operational power to BDCP facilities. Typically, higher-voltage (230-kilovolt [kV]) lines vary in height from 90 to 110 feet, while "sub" transmission (69-kV) lines vary from 50 to 70 feet (Avian Power Line Interaction Committee 2006). The Alternative 4 alignment would require the installation of both permanent and temporary transmission lines extending north and south through much of the crane use area. In addition, a transmission line would be constructed between the cities of Hood and Locke eastward toward SR 99 which would require the installation of approximately 17~~

~~miles of permanent transmission line (10 miles of 230-kV line and 7 miles of 69-kV line)and approximately 46 miles (21 miles of 230-kV line and 25 miles of 69-kV line) of temporary transmission line. The temporary transmission lines that would be constructed on Staten Island would occur within the highest birdstrike risk area in the study area as Staten Island is one of the most important wintering sites for greater sandhill cranes in the Delta. Temporary lines would be removed after construction of the water conveyance facilities, within 10 years.~~

~~Existing transmission lines in the sandhill crane winter use area include a network of distribution lines that are between 11- and 22-kV. In addition, there are two 115-kV lines (one that overlaps with the winter use area between Antioch and I-5 east of Hood, and one that crosses the northern tip of the crane winter use area north of Clarksburg); and 69-kv lines that parallel Twin Cities Road, Herzog Road, Lambert Road, and the Southern Pacific Dredge Cut in the vicinity of Stone Lakes National Wildlife Refuge. At the south end of the winter use area, there are three 230-kV transmission lines that follow I-5, and then cut southwest through Holt, and two 500-kV lines cross the southwestern corner of the winter use area. This existing network of power lines in the study currently poses a risk for sandhill cranes, as both distribution and transmission lines cross over or surround sandhill crane roost sites in the study area. New transmission lines would increase this risk and have an adverse effect on the species in the absence of other conservation actions.~~

~~As described in BDCP Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*~~, of the Draft BDCP~~, the potential mortality of greater sandhill crane in the area of the proposed transmission lines was estimated using collision mortality rates by Brown and Drewien (1995) and an estimate of potential crossings along the proposed lines. Results indicate that in the absence of any line marking to increase visibility and reduce collision risk (i.e., without minimization measures), the average annual mortality of greater sandhill crane at permanent lines would be up to 18 fatalities per year and would be 120 fatalities per year at temporary lines.~~

~~Marking transmission lines with devices that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality, including for sandhill cranes. Brown and Drewien (1995) estimated that marking devices in the Central Valley would reduce crane mortality by 66%. Using this assumption, by incorporating line-marking devices into the designs the annual mortality rate would be estimated to decrease to 7 fatalities per year for the permanent lines and 41 fatalities per year for the temporary lines.~~

~~The current proposed transmission line alignment under Alternative 4 is not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the final transmission line alignment would not result in a net increase in bird strike risk to greater sandhill cranes in the Plan Area. This would be achieved by implementing any combination of the following: (1) siting new transmission lines in lower bird strike risk zones; (2) removing, relocating or undergrounding existing lines; (3) installing flight diverters on existing lines in the crane winter use area; and/or (4) for areas outside of the Stone Lakes National Wildlife Refuge project boundary, shifting locations of flooded areas that provide crane roosts to lower risk areas. This would be expected to reduce existing mortality and thus fully offset the overall population effects of new transmission lines. Designing the alignment to minimize risk and removing, relocating, or undergrounding existing lines would be given priority out of the above methods. With these measures, and considering that the temporary lines would be removed within the first 10 years of Alternative 4 implementation, the risk of greater sandhill crane mortality from transmission lines would be reduced substantially.~~

NEPA Conclusion: Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for sandhill cranes. Under Alternative 4, proposed transmission lines have been designed to substantially reduce the likelihood of a crane collision with transmission lines. New transmission lines constructed as part of the project would be limited to temporary lines which would be removed within the first 10–14 years of Alternative 4 implementation. In addition, no new transmission lines would be sited in the vicinity of Staten Island, which has the highest crane-use in the greater sandhill crane winter use area. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By incorporating one or a combination of the measures to greatly reduce the risk of bird strike described in *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines under Alternative 4 would not result in an adverse effect on greater sandhill crane.

CEQA Conclusion: Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for sandhill cranes. Under Alternative 4, proposed transmission lines have been designed to substantially reduce the likelihood of a crane collision with transmission lines. New transmission lines constructed as part of the project would be limited to temporary lines which would be removed within the first 10–14 years of Alternative 4 implementation. In addition, no new transmission lines would be sited in the vicinity of Staten Island, which has the highest crane-use in the greater sandhill crane winter use area. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By incorporating one or a combination of the measures to greatly reduce the risk of bird strike described in *AMM20 Greater Sandhill Crane*, and the construction and operation of transmission lines under Alternative 4 would have a less-than-significant impact on greater sandhill crane.~~Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for sandhill cranes. New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of greater sandhill crane. By incorporating line-marking devices on new transmission lines the estimated mortality rate would be 7 fatalities per year from permanent transmission lines and 41 fatalities per year from temporary transmission lines. The current proposed transmission line alignment under Alternative 4 is not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the final transmission line alignment avoided crane roost sites and achieved no net increase of greater sandhill crane strike risk in the Plan Area. With *AMM20 Greater Sandhill Crane*, and considering that the temporary lines would be removed within the first 10 years of Alternative 4 implementation, the risk of mortality from collision with transmission lines would tunderresult in a less-than-significant impact on the greater sandhill crane population.~~

Impact BIO-71: Indirect Effects of Plan Implementation on Greater Sandhill Crane

Indirect construction-and operation-related effects: Sandhill cranes are sensitive to disturbance. Noise and visual disturbances from the construction of water conveyance facilities and other conservation measures could reduce greater sandhill crane use of modeled habitat adjacent to work areas. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet of the construction edge. Furthermore, maintenance of the aboveground water conveyance facilities could result in ongoing but periodic postconstruction noise and visual disturbances that could affect greater sandhill crane use of surrounding habitat. These effects could result from periodic vehicle use along the conveyance corridor, inspection and maintenance of aboveground facilities, and similar activities. These potential effects would be minimized with implementation of *AMM20 Greater Sandhill Crane* described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The BDCP includes an analysis of the indirect effects of noise and visual disturbance that would result from the construction of the Alternative 4 water conveyance facilities on greater sandhill crane (~~BDCP~~ Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS ~~Appendix D5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*~~). The analysis addressed the potential noise effects on cranes, and concluded that as much as ~~13~~20,~~421–43,125~~243 acres of crane habitat could potentially be affected by general construction noise (including pile driving) above baseline level (50–60 dBA; Table 12-4-30). This would include ~~666–3,274~~1,008 acres of permanent crane roosting habitat, ~~1,498–5,036~~1,909 acres of temporary crane roosting habitat, and ~~11,258–34,816~~17,327 acres of crane foraging habitat. ~~In addition, 120–668 acres of permanent crane roosting habitat, 477–1,562 acres of temporary crane roosting habitat, and 1,392–11,882 acres of crane foraging habitat could be affected by noise from pile driving that would be above baseline level (50–60 dBA, Table 12-4-30)~~. The analysis was conducted based on the assumption that there would be direct line-of-sight from sandhill crane habitat areas to the construction site, and, therefore, provides a worst-case estimate of effects. In many areas the existing levees would partially or completely block the line-of-sight and would function as effective noise barriers, substantially reducing noise transmission. However, there is insufficient data to assess the effects that increased noise levels would have on sandhill crane behavior.

Table 12-4-30. Greater Sandhill Crane Habitat Affected By General Construction and Pile Driving Noise Under Alternative 4 (acres)

	General Construction	
Habitat Type	Above 60 dBA	Above 50 dBA
Permanent Roosting	~~666~~196	~~3,274~~1,008
Temporary Roosting	~~1,498~~810	~~5,036~~1,909
Foraging	~~11,258~~7,676	~~34,816~~17,327
Total Habitat	~~13,421~~8,681	~~43,125~~20,243

Evening and nighttime construction activities would require the use of extremely bright lights. Nighttime construction could also result in headlights flashing into roost sites when construction vehicles are turning onto or off of construction access routes. Proposed surge towers would require the use of safety lights that would alert low-flying aircraft to the presence of these structures because of their height. Little data is available on the effects of impact of artificial lighting on roosting birds. Direct light from automobile headlights has been observed to cause roosting cranes to flush and it is thought that they may avoid roosting in areas where lighting is bright (see~~BDCP~~ Chapter 5, *Effects Analysis*, of the Draft BDCP). If the birds were to roost in a brightly lit site, they may be vulnerable to sleep-wake cycle shifts and reproductive cycle shifts. Potential risks of visual impacts from lighting include a reduction in the cranes' quality of nocturnal rest, and effects on their sense of photo-period which might cause them to shift their physiology towards earlier migration and breeding (see BDCP Chapter 5, *Effects Analysis*, of the Draft BDCP). Effects such as these could prove detrimental to the cranes' overall fitness and reproductive success (which could in turn have population-level impacts). A change in photo-period interpretation could also cause cranes to fly out earlier from roost sites to forage and might increase their risk of power line collisions if they were to leave roosts before dawn (see BDCP Chapter 5, *Effects Analysis*, of the Draft BDCP).

The effects of noise and visual disturbance on greater sandhill crane would be minimized through the implementation of *AMM20 Greater Sandhill Crane* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~). Activities within 0.75 mile of crane roosting habitat would reduce construction noise during night time hours (from one hour before sunset to one hour after sunrise) such that construction noise levels do not exceed 50 dBA L_{eq} (1 hour) at the nearest temporary or permanent roosts during periods when the roost sites are available (flooded). In addition, the area of crane foraging habitat that would be affected during the day (from one hour after sunrise to one hour before sunset) by construction noise exceeding 50 dBA L_{eq} (1 hour) would also be minimized. Unavoidable noise related effects would be compensated for by the enhancement of 0.1 acre of foraging habitat for every acre indirectly affected within the 50 dBA L_{eq} (1 hour) construction noise contour. With these measures in place, indirect effects of noise and visual disturbance from construction activities are not expected to reduce the greater sandhill crane population in the study area.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect greater sandhill crane in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to greater sandhill crane habitat could also affect the species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures were in place to prevent runoff from the construction area and negative effects of dust on foraging habitat.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in covered species, including greater sandhill crane. Largemouth bass was used as a surrogate species for analysis (Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~Appendix D~~). Results of the quantitative modeling of mercury effects on largemouth bass as a surrogate species would overestimate the effects on greater sandhill crane. Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009). Therefore, potential indirect effects of increased mercury exposure is likely low for greater sandhill crane because they primarily forage on cultivated crops. Modeled effects of mercury concentrations from changes in water operations under CM1 on largemouth bass did not differ substantially from existing conditions; therefore, results also indicate that greater sandhill crane tissue concentrations would not measurably increase as a result of CM1 implementation.

~~Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury.~~ Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury~~ (see BDCP Chapter 3, *Conservation Strategy*, for details of restoration)~~. Increased methylmercury associated with natural community and floodplain restoration may indirectly affect greater sandhill crane via uptake in lower tropic levels (~~BDCP~~ see Appendix 5.D, *Contaminants*, of the Draft BDCP). Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects. ~~In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level.~~ ~~*CM12 Methylmercury Management*~~ ~~includes provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring,~~ ~~*CM12 Methylmercury Management*~~ ~~would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on greater sandhill crane. The potential indirect effects of increased mercury exposure is likely low for greater sandhill crane for the following reasons: 1) greater sandhill cranes occur in the study area only during the nonbreeding winter months, 2) their primary foraging habitats in the study area are cultivated crops, and 3) the use of restored tidal wetlands by cranes is likely to be limited compared to seasonal managed wetlands.~~

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*~~,~~ is included to provide for site-specific evaluation for each restoration project. If a project is identified where there is a high potential for methylmercury production that could not be fully addressed through restoration design and adaptive management, alternate restoration areas would be considered. CM-12 would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

Selenium: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including greater sandhill crane. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on greater sandhill crane.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on greater sandhill crane from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

***NEPA Effects*:** Crane habitat could potentially be affected by general construction noise above baseline level (50–60 dBA). Construction in certain areas would take place 7 days a week and 24 hours a day and evening and nighttime construction activities would require the use of extremely bright lights, which could adversely affect roosting cranes by impacting their sense of photo-period and by exposing them to predators. Effects of noise and visual disturbance could substantially alter the suitability of habitat for greater sandhill crane. *AMM20 Greater Sandhill Crane* would include requirements (described above) to minimize the effects of noise and visual disturbance on greater sandhill cranes and to mitigate for affected habitat.

Tidal habitat restoration could result in increased exposure of greater sandhill crane to selenium which could result in the potential mortality of a special-status species. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of greater sandhill crane to methylmercury. The potential indirect effects of increased mercury exposure is likely low for greater sandhill crane because they primarily forage on cultivated crops. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.

CEQA Conclusion: Crane habitat could potentially be affected by general construction noise ~~(13,421–43,125 acres) and pile driving (1,989–14,111 acres)~~ above baseline level (50–60 dBA). Construction in certain areas would take place 7 days a week and 24 hours a day and evening and nighttime construction activities would require the use of extremely bright lights, which could adversely affect roosting cranes by impacting their sense of photo-period and by exposing them to predators. Effects of noise and visual disturbance could substantially alter the suitability of habitat for greater sandhill crane. This would be a significant impact. ~~The effects of noise and visual disturbances would be reduced through the implementation of~~ *AMM20 Greater Sandhill Crane* ~~which~~ would include requirements (described above) to minimize the effects of noise and visual disturbance on greater sandhill cranes and to mitigate for affected habitat.

Tidal habitat restoration could result in increased exposure of greater sandhill crane to selenium which could result in the potential mortality of a special-status species. This would be a significant impact. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

~~With these measures in place, in addition to AMM1–AMM7, noise and visual disturbances, potential spills of hazardous materials, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would have a less-than-significant impact on greater sandhill crane.~~ Methylmercury tissue concentrations in greater sandhill cranes would not be expected to measurably increase as a result of water operations under CM1 compared to the No Action Alternative. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of greater sandhill crane to methylmercury. This would be a significant impact. The potential indirect effects of increased mercury exposure is likely low for greater sandhill crane ~~for the following reasons: 1) greater sandhill cranes occur in the study area only during the nonbreeding winter months, 2)~~because ~~their primary foraging habitats~~they primarily forage on ~~in the study area are~~ cultivated crops. ~~, and 3) the use of restored tidal wetlands by cranes is likely to be limited compared to seasonal managed wetlands.~~ Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.

~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on greater sandhill crane. Tidal habitat restoration could result in increased exposure of greater sandhill crane to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. With these measures in place, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on greater sandhill crane.~~

With AMM1-AMM7, AMM20, AMM27, and CM12 in place, the indirect effects of plan implementation under Alternative 4 would not substantially reduce the number or restrict the range of greater sandhill cranes. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on greater sandhill crane.

Lesser Sandhill Crane

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on lesser sandhill crane. Lesser sandhill cranes in the study area are almost entirely dependent on privately owned agricultural lands for foraging. Long-term sustainability of the lesser sandhill crane is thus dependent on providing a matrix of compatible crop types that afford suitable foraging habitat and maintaining compatible agricultural practices, while sustaining and increasing the extent of other essential habitat elements such as night roosting habitat. The habitat model for lesser sandhill crane includes "roosting and foraging" and "foraging" habitat. Suitable roosting and foraging habitat in the study area includes certain agricultural types, specific grassland types, irrigated pastures and hay crops, managed seasonal wetland, and other natural seasonal wetland. Roosting and foraging habitat includes traditional roost sites that are known to be used by sandhill cranes (both greater and lesser) and that also provide foraging habitat. Detail regarding the roosting and foraging modeled habitat for both subspecies of sandhill crane is included in the BDCP (~~BDCP~~ see Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP). Both temporary and permanent roost sites were identified for sandhill cranes. Permanent roosting and foraging sites are those used regularly, year after year, while temporary roosting and foraging sites are those used in some years. Factors included in assessing the loss of foraging habitat for the lesser sandhill crane considers the relative habitat value of specific crop or land cover types. Although both the greater and the lesser Sandhill crane use similar crop or land cover types, these provide different values of foraging habitat for the two subspecies based on proportional use of these habitats. Lesser sandhill cranes are less traditional than greater sandhill cranes and are more likely to move between different roost site complexes and different wintering regions (Ivey pers. comm.) The wintering range is ten times larger than the greater sandhill crane and their average foraging flight radius from roost sites is twice that of greater sandhill cranes. Because of this higher mobility, lesser sandhill cranes are more flexible in their use of foraging areas than the greater sandhill crane.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of foraging and roosting habitat for lesser sandhill crane as indicated in Table 12-4-31. Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP for the greater sandhill crane (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP) that would also benefit the lesser sandhill crane.

- Protect at least 7,300 acres of high- to very high-value habitat for greater sandhill crane, with at least 80% maintained in very high-value types in any given year. This protected habitat will be within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and will consider sea level rise and local seasonal flood events, greater sandhill crane population levels, and the location of foraging habitat loss. Patch size of protected cultivated lands will be at least 160 acres (Objective GSHC1.1, associated with CM3).
- To create additional high-value greater sandhill crane winter foraging habitat, 10% of the habitat protected under Objective GSHC1.1 will involve acquiring low-value habitat or nonhabitat areas and converting it to high- or very high-value habitat. Created habitat will be within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and will consider sea level rise and

local seasonal flood events, greater sandhill crane population levels, and the location of foraging habitat loss (Objective GSHC1.2, associated with CM3).

- Create at least 320 acres of managed wetlands in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6, with consideration of sea level rise and local seasonal flood events. The wetlands will be located within 2 miles of existing permanent roost sites and protected in association with other protected natural community types (excluding nonhabitat cultivated lands) at a ratio of 2:1 upland to wetland to provide buffers around the wetlands (Objective GSHC1.3, associated with CM3).
- Create at least two 90-acre wetland complexes within the Stone Lakes National Wildlife Refuge project boundary. The complexes will be no more than 2 miles apart and will help provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations. Each complex will consist of at least three wetlands totaling at least 90 acres of greater sandhill crane roosting habitat, and will be protected in association with other protected natural community types (excluding nonhabitat cultivated lands) at a ratio of at least 2:1 uplands to wetlands (i.e., two sites with at least 90 acres of wetlands each). One of the 90-acre wetland complexes may be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. (Objective GSHC1.4, associated with CM10).
- Create an additional 95 acres of roosting habitat within 2 miles of existing permanent roost sites. The habitat will consist of active cornfields that are flooded following harvest to support roosting cranes and that provide highest-value foraging habitat. Individual fields will be at least 40 acres and can shift locations throughout the Greater Sandhill Crane Winter Use Area, but will be sited with consideration of the location of roosting habitat loss and will be in place prior to roosting habitat loss (Objective GSCH1.5, associated with CM3).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Within the at least 48,625 acres of protected cultivated lands, protect at least 42,275 acres of cultivated lands as Swainson's hawk foraging habitat with at least 50% in very high-value habitat in CZs 2, 3, 4, 5, 7, 8, 9, and 11 (Objective SH1.2, associated with CM3).
- Target cultivated land conservation to provide connectivity between other conservation lands (Objective CLNC1.2, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments (including *CM12 Methylmercury Management* as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) and implementation of AMM1–AMM7, *AMM20 Greater Sandhill Crane*, *AMM27 Selenium Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), and *AMM30 Transmission Line Design and Alignment Guidelines*, impacts on the lesser sandhill crane would be less than significant for CEQA purposes, and would not be adverse for NEPA purposes.

Table 12-4-31. Changes in Lesser Sandhill Crane Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Roosting and Foraging - Permanent	0	0	~~8~~3	~~8~~3	NA	NA
	Roosting and Foraging - Temporary	~~29~~16	~~29~~16	~~16~~85	~~16~~85	NA	NA
	Foraging	~~2,709~~1,838	~~2,709~~1,838	~~1,115~~988	~~1,115~~988	NA	NA
Total Impacts CM1		**~~2,738~~1,854**	**~~2,738~~1,854**	**1,~~131~~076**	**1,076~~131~~**		
CM2–CM18	Roosting and Foraging - Permanent	0	0	0	0	0	0
	Roosting and Foraging - Temporary	0	41	0	0	0	0
	Foraging	3,610	12,172	2	4	0	0
Total Impacts CM2–CM18		**3,610**	**12,~~172~~213**	**2**	**4**	**0**	**0**
Total Roosting and Foraging - Permanent		**0**	**0**	**~~8~~3**	**~~8~~3**		
Total Roosting and Foraging - Temporary		**~~29~~16**	**~~70~~57**	**~~16~~85**	**~~16~~85**		
Total Foraging		**~~6,319~~5,448**	**14,~~840~~010**	**~~1,117~~990**	**~~1,119~~992**		
TOTAL IMPACTS		**~~6,348~~5,464**	**14,~~910~~067**	**1,~~133~~078**	**1,080~~135~~**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-72: Loss or Conversion of Habitat for and Direct Mortality of Lesser Sandhill Crane

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~94~~ 145 acres of modeled roosting and foraging habitat (~~70~~ 57 acres of permanent loss, ~~24~~ 88 acres of temporary loss) and 15,~~959~~ 002 acres of foraging habitat (14,~~840~~ 010 acres of permanent loss, ~~1,119~~992 acres of temporary loss, Table 12-4-31). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass Fisheries Improvements (CM2), Tidal Natural Communities Restoration (CM4), Seasonally Inundated Floodplain Restoration (CM5), Grassland Natural Community Restoration (CM8), Nontidal Marsh Natural Community Restoration (CM10), and Natural Communities Enhancement and Management (CM11). The majority of habitat loss would result from water conveyance facility construction and conversion of habitat to tidal natural communities through CM4. Habitat enhancement and management activities through CM11, which include ground disturbance or removal of nonnative vegetation, could also result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate lesser sandhill crane modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts, NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities ~~as they are currently designed~~ would result in the combined permanent loss of up to ~~3~~2,~~823~~ 930 acres of modeled lesser sandhill crane habitat. This would consist of the permanent removal of ~~29~~ 16 acres of temporary roosting and foraging habitat, and ~~2,709~~1,838 acres of foraging habitat. Foraging habitat that would be permanently impacted by CM1 would consist of ~~2,261~~1,049 acres of very high-value, ~~39~~ 144 acres of high-value, and ~~372~~ 325 acres of medium-value foraging habitat (Table 12-4-32). In addition, ~~8~~ 3 acres of permanent roosting and foraging habitat, ~~16~~ 85 acres of temporary roosting and foraging habitat, and ~~1,115~~988 acres of foraging habitat would be temporarily removed (Table 12-4-31). The temporarily removed habitat would consist primarily of cultivated lands and it would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could be restored as grasslands. CM1 activities that would result in temporary impacts would include temporary access roads, reusable tunnel material~~borrow and spoil~~ sites, and work areas for construction.

  The acres of temporary and permanent roosting and foraging habitat that would be permanently removed is located on ~~Staten~~ Bouldin Island, ~~Zacharias Island, Bouldin Island, and Venice~~from the construction of a permanent access road. Temporary impacts on roosting and foraging habitat would occur on Bouldin Island ~~and the~~from the construction of a temporary concrete batch plant and a fuel station. Temporary losses would also occur from the construction of temporary transmission lines between the Lambert Road vent shaft and the intermediate forebay, and on Venice Island. ~~losses would be a result of installation of permanent and temporary transmission lines and associated access roads.~~ However, the implementation of *AMM20 Greater Sandhill Crane* would require that CM1 activities be designed to avoid direct loss of crane roost sites. This includes a provision that the final transmission line alignment would be designed to avoid crane roost sites. Avoidance of crane roost sites would be accomplished either by siting activities outside of identified roost sites or by relocating the roost site if it consisted of cultivated lands (roost sites consisting of wetlands would not be subject to re-location).

Relocated roost sites would be established prior to construction activities affecting the original roost site (as described ~~in~~ for *AMM20 Greater Sandhill Crane*, ~~BDCP~~ Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed.

Approximately ~~2~~1,~~347~~ 480 acres of the permanent loss of foraging habitat would be from the storage of reusable tunnel material. This material would be stored on Bouldin Island, Zacharias Island and parcels south of Lambert Road and north of the Cosumnes River. The reusable tunnel material would likely be moved to other sites for use in levee build-up and restoration, and the affected areas would likely eventually be restored. ~~While this~~ This effect is categorized as permanent because there is no assurance that the material would eventually be moved~~, the effect would likely be temporary~~. ~~The actual footprint of the storage areas required for reusable tunnel material is flexible, and the actual acreage of habitat affected by this activity could be reduced based on the height of the storage piles in addition to other considerations.~~ The implementation of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material*, would require that the areas used for reusable tunnel material storage be minimized in crane foraging habitat and completely avoid crane roost sites.

~~Approximately 1,257 acres of the foraging habitat permanently lost from storage of reusable tunnel material would be on Staten Island, which is among the most significant crane use areas in the Delta (Littlefield and Ivey 2000). As described above, AMM6 would require that the actual footprint of this impact be minimized in crane foraging habitat. Specifically, AMM6 would require that reusable tunnel material storage on Staten Island be sized and located in coordination with greater sandhill crane experts, USFWS, and CDFW, which would reduce potential effects on both greater and lesser sandhill cranes. *AMM20 Greater Sandhill Crane* includes specific measures to reduce potential effects of construction on sandhill cranes on Staten Island.~~ Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

Table 12-4-32. Value of Lesser Sandhill Crane Foraging Habitat Affected By Alternative 4

Foraging Habitat Value Class	Land Cover Type	CM1 Permanent (Temporary)	CM2-CM18 Permanent (Temporary)
Very high	Corn, alfalfa and alfalfa mixtures	~~2,261~~1,049 (~~367~~448)	4,083 (0)
High	Mixed pasture, native pasture, other pasture, irrigated pasture, native vegetation, rice	~~39~~ 144 (~~132~~43)	2,058 (0)
Medium	Grain and hay crops, miscellaneous grain and hay, mixed grain and hay, non-irrigated mixed grain and hay, other grain crops, miscellaneous grasses, grassland, wheat, other grain crops, managed wetlands	~~372~~ 325 (~~276~~245)	2,220 (2)
Low	Other irrigated crops, idle cropland, blueberries, asparagus, clover, cropped within the last 3 years, grain sorghum, green beans, miscellaneous truck, miscellaneous field, new lands being prepped for crop production, nonirrigated mixed pasture, nonirrigated native pasture, onions, garlic, peppers, potatoes, safflower, sudan, sugar beets, tomatoes (processing), melons squash and cucumbers all types, artichokes, beans (dry)	~~25~~ 292 (~~311~~244)	3,745 (2)
None	Vineyards, orchards	~~12~~ 28 (~~29~~8)	23 (0)

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction under CM2 would result in a permanent loss of 267 acres and a temporary loss of 2 acres of lesser sandhill crane foraging habitat in CZ 2. Lesser sandhill crane use in this area is less common than in the central Delta.
- *CM4 Tidal Natural Communities Restoration*: Based on the hypothetical tidal restoration footprint, this activity would result in the permanent loss or conversion of approximately 10,248 acres of lesser sandhill crane habitat, consisting of 41 acres of temporary roosting and foraging habitat and 10,207 acres of foraging habitat. Loss of foraging habitat from CM4 would consist of 3,642 acres of very high-value, 1,529 acres of high value, 2,040 acres of medium-value, and 2,983 acres of low-value foraging habitat (Table 12-4-32). Habitat loss would primarily occur in the Cosumnes-Mokelume River and West Delta ROAs. Tidal wetland restoration in CZ 4 could occur between the high crane use areas of the central Delta and the Cosumnes River Preserve. However, the conversion of grasslands and cultivated lands to tidal wetlands would not prohibit crane movement or reduce use of these areas. Lesser sandhill cranes are less traditional than greater sandhill cranes and would be more adaptable to changes in land use. Approximately 2,516 acres of foraging habitat would be removed within the first 10 years of Alternative 4 implementation.
- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees would result in the loss of 2 acres of low-value lesser sandhill crane foraging habitat (1 acre of permanent loss, 1 acres of temporary loss). This impact would occur after the first 10 years of Alternative 4 implementation.

- *CM8 Grassland Natural Community Restoration*: Approximately 300 acres of cultivated lands (foraging habitat) would be converted to grassland. No roosting/foraging habitat would be impacted by grassland restoration activities. The restored grasslands would continue to provide foraging habitat value for the lesser sandhill crane. Approximately 257 acres would be impacted within the first 10 years of Plan implementation.

- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would result in the permanent conversion of approximately 1,350 acres of modeled foraging habitat for the lesser sandhill crane. A portion of the restored nontidal marsh would be expected to continue to provide roosting and foraging habitat value for the lesser sandhill crane. However, some of this restored marsh would be unsuitable as it would lack emergent vegetation and consist of open water that would be too deep to provide suitable roosting or foraging habitat. Approximately 567 acres of habitat would be converted to nontidal marsh within the first 10 years of Alternative 4 implementation.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in *CM11* that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. The potential for these activities to result in direct mortality of lesser sandhill crane would be minimized with the implementation of *AMM20 Greater Sandhill Crane*. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. If new ground disturbance was necessary, sandhill crane habitat would be avoided, with the exception of a permanent loss of 4 acres of grassland foraging habitat (1 acre of which would be impacted within the first 10 years of Alternative 4 implementation).

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect lesser sandhill crane use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, could be adverse as sandhill cranes are sensitive to disturbance. However, potential impacts would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of lesser sandhill crane if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. Potential effects would be avoided and minimized with the implementation of *AMM20 Greater Sandhill Crane*. Injury and mortality from electrical transmission facilities are described below under Impact BIO-73.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Based on current design footprints, Alternative 4 would remove ~~53~~ 104 acres roosting and foraging habitat (~~29~~ 16 acres of permanent loss, ~~24~~ 88 acres of temporary loss) in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~53~~ 104 acres). In addition, ~~7~~6,~~436~~ 438 acres of foraging habitat would be removed or converted in the near-term (CM1, ~~3~~2,~~824~~ 826 acres; *CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration*, and *CM11 Natural Communities Enhancement and Management*—3,612 acres). Of these near-term acres of foraging habitat impacted, ~~5~~4,~~953~~ 760 acres would be medium- to very high-value habitat (CM1, ~~3~~2,~~447~~ 253 acres, CM2-11, 2,507 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 1:1 protection and 1:1 restoration for loss of roost sites and 1:1 protection for loss of foraging habitat. Using these ratios would indicate that ~~53~~ 104 acres of lesser sandhill crane roosting habitat should be restored/created and ~~53~~ 104 acres should be protected to compensate for the CM1 losses of lesser sandhill crane permanent and temporary roosting and foraging habitat. In addition, ~~3~~2,~~447~~ 253 acres of high- to very high-value foraging habitat should be protected to mitigate the CM1 losses of lesser sandhill crane medium- to very high-value foraging habitat. The near-term effects of other conservation actions would remove 2,507 acres of medium- to very high-value foraging habitat, and therefore require 2,507 acres of protection of high- to very high-value foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of roosting and foraging habitat; 1:1 protection for the loss of foraging habitat).

The implementation of *AMM20 Greater Sandhill Crane* would require that no sandhill crane roost sites were directly impacted by CM1 covered activities (including transmission lines and their associated footprints). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed, which would avoid the CM1 impact on ~~53~~ 104 acres of roosting and foraging habitat once the project design is final. Indirect effects of construction-related noise and visual disturbance are discussed below under Impact BIO-74.

The BDCP has committed to near-term goals of creating 500 acres of managed wetlands and protecting 15,600 acres of cultivated lands in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM10 and would occur in the same timeframe as the construction and early restoration losses.

The BDCP also includes the following objectives for the greater sandhill crane which would also benefit the lesser sandhill crane, as they utilize similar habitats and face similar threats within their winter use areas.

Up to 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to roosting habitat loss. Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4) which would also benefit lesser sandhill crane. These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. One of the 90-acre wetland complexes created under this objective could be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of sandhill crane wintering habitat.

At least 15,600 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). Mitigation Measure BIO-72 would be available to guide the near-term protection of cultivated lands to ensure that the near-term impacts of medium- to very high-value foraging habitat for lesser sandhill crane were compensated for with appropriate crop types and natural communities described in Table 12-4-32..

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The study area supports approximately 23,919 acres of roosting and foraging habitat and 240,475 acres of foraging habitat for lesser sandhill crane. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~94~~ 145 acres of roosting and foraging habitat (~~70~~ 57 acres of permanent loss, ~~24~~ 88 acres of temporary loss) and 15,~~959~~ 002 acres of foraging habitat (14,~~840~~ 010 acres of permanent loss, ~~1,119~~992 acres of temporary loss) for the lesser sandhill crane during the term of the Plan. The foraging habitat lost by the late long-term timeframe would consist of ~~11~~10,~~809~~ 616 acres of medium- to very high-value foraging habitat. The locations of these losses are described above in the analyses of individual conservation measures. The implementation of *AMM20 Greater Sandhill Crane* would require that no crane roost sites were directly affected by water conveyance facilities including transmission lines and associated footprints. In addition, temporarily removed habitat would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could result in the conversion of cultivated lands to grasslands.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration* to restore or create at least 595 acres of greater Sandhill crane roost habitat (Objectives GSHC1.3, GSHC1.4, and GSHC1.5) and to protect at least 7,300 acres of high- to very high-value foraging habitat for greater Sandhill crane (Objective GSHC1.1). These croptypes would also provide high-value habitat for the lesser sandhill crane.

The BDCP also includes the following objectives for the greater sandhill crane which would also benefit the lesser sandhill crane, as they utilize similar habitats and face similar threats within their winter use areas.

Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. One of the 90-acre wetland complexes created under this objective could be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat. Approximately 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to construction activities.

The BDCP has committed to protecting 7,300 acres of high- to very high-value greater sandhill crane foraging habitat by the late long-term timeframe with at least 80% maintained in very-high value types in any given year (Objective GSHC1.1). These acres of protected foraging habitat would be located within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6. The patch size of these protected lands would be at least 160 acres (Objectives GSHC1.1 and GSHC1.2). Because agricultural habitat values change over time based largely on economically driven agricultural practices, protecting crane habitat would provide enhanced stability to agricultural habitat value within the crane use area that does not currently exist. Although lesser sandhill cranes are less traditional in their use of roost sites in the Delta, these objectives for the greater sandhill crane would also benefit the lesser sandhill crane.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of lesser sandhill crane habitat and potential direct mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration*, guided by biological goals and objectives for the species and by AMM1–AMM7 and *AMM20 Greater Sandhill Crane*, which would be in place during all project activities~~throughout the construction period~~, and with implementation of Mitigation Measure BIO-72, which would be available to compensate for loss of medium- to very high-value foraging habitat, the effects of habitat loss and potential mortality on lesser sandhill crane would not be adverse under Alternative 4.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Based on current design footprints, Alternative 4 would remove ~~53~~ 104 acres roosting and foraging habitat (~~29~~ 16 acres of permanent loss, ~~24~~ 88 acres of temporary loss) in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~53~~ 104 acres). In addition, ~~7~~6,~~436~~ 438 acres of foraging habitat would be removed or converted in the near-term (CM1, ~~3~~2,~~824~~ 826 acres; *CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration*, and *CM11 Natural Communities Enhancement and Management*—3,612 acres). Of these near-term acres of foraging habitat impacted, ~~5,953~~4,760 acres would be medium- to very high-value habitat (CM1, ~~3~~2,~~447~~ 253 acres, CM2-11, 2,507 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 1:1 protection and 1:1 restoration for loss of roost sites and 1:1 protection for loss of foraging habitat. Using these ratios would indicate that 1~~53~~ 04 acres of lesser sandhill crane roosting habitat should be restored/created and ~~53~~ 104 acres should be protected to compensate for the CM1 losses of lesser sandhill crane roosting and foraging habitat. In addition, ~~3~~2,~~447~~ 253 acres of high- to very high-value foraging habitat should be protected to mitigate the CM1 losses of lesser sandhill crane medium- to very high-value foraging habitat. The near-term effects of other conservation actions would remove 2,507 acres of medium- to very high-value foraging habitat, and therefore require 2,507 acres of protection of high- to very high-value foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of roosting and foraging habitat; 1:1 protection for the loss of foraging habitat).

The implementation of *AMM20 Greater Sandhill Crane* would require that no sandhill crane roost sites were directly impacted by CM1 covered activities (including transmission lines and their associated footprints). Therefore there would be no loss of crane roosting and foraging habitat as a result of water conveyance facility construction once the facilities were fully designed, which would avoid the CM1 impact on 53 acres of roosting and foraging habitat once the project design is final. Indirect effects of construction-related noise and visual disturbance are discussed below under Impact BIO-74.

The BDCP has committed to near-term goals of creating 500 acres of managed wetlands and protecting 15,600 acres of cultivated lands in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM10 and would occur in the same timeframe as the construction and early restoration losses.

The BDCP also includes the following objectives for the greater sandhill crane which would also benefit the lesser sandhill crane, as they utilize similar habitats and face similar threats within their winter use areas.

Up to 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to roosting habitat loss. Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4) which would also benefit lesser sandhill crane. These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. One of the 90-acre wetland complexes created under this objective could be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of sandhill crane wintering habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on lesser sandhill crane habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. At least 15,600 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). Mitigation Measure BIO-72 would be available to guide the near-term protection of cultivated lands to ensure that the near-term impacts of medium- to very high-value foraging habitat for lesser sandhill crane were compensated for with appropriate crop types and natural communities. Considering the conservation actions described above, and AMMs 1-7 and AMM20, Alternative 4, over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of greater sandhill cranes. Therefore, Alternative 4 would have a less-than-significant impact on lesser sandhill cranes. No mitigation would be required.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 23,919 acres of roosting and foraging habitat and 240,475 acres of foraging habitat for lesser sandhill crane. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~94~~ 145 acres of roosting and foraging habitat (~~70~~ 57 acres of permanent loss, ~~24~~ 88 acres of temporary loss) and 15,~~959~~ 002 acres of foraging habitat (14,~~840~~ 010 acres of permanent loss, ~~1,119~~992 acres of temporary loss) for the lesser sandhill crane during the term of the Plan. The foraging habitat lost by the late long-term timeframe would consist of ~~11~~10,~~809~~ 616 acres of medium- to very high-value foraging habitat. The locations of these losses are described above in the analyses of individual conservation measures. The implementation of *AMM20 Greater Sandhill Crane* would require that no crane roost sites were directly affected by water conveyance facilities including transmission lines and associated footprints. In addition, temporarily removed habitat would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could result in the conversion of cultivated lands to grasslands.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration* to restore or create at least 595 acres of greater Sandhill crane roost habitat (Objectives GSHC1.3, GSHC1.4, and GSHC1.5) and to protect at least 7,300 acres of high- to very high-value foraging habitat for greater Sandhill crane (Objective GSHC1.1). These croptypes would also provide high-value habitat for the lesser sandhill crane.

The BDCP also includes the following objectives for the greater sandhill crane which would also benefit the lesser sandhill crane, as they utilize similar habitats and face similar threats within their winter use areas.

Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (see Draft BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. One of the 90-acre wetland complexes created under this objective could be replaced by 180 acres of cultivated lands (e.g., cornfields) that are flooded following harvest to support roosting cranes and provide highest-value foraging habitat, provided such substitution is consistent with the long-term conservation goals of Stone Lakes National Wildlife Refuge for greater sandhill crane. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat. Approximately 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to construction activities.

The BDCP has committed to protecting 7,300 acres of high- to very high-value greater sandhill crane foraging habitat by the late long-term timeframe with at least 80% maintained in very-high value types in any given year (Objective GSHC1.1). These acres of protected foraging habitat would be located within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6. The patch size of these protected lands would be at least 160 acres (Objectives GSHC1.1 and GSHC1.2). Because agricultural habitat values change over time based largely on economically driven agricultural practices, protecting crane habitat would provide enhanced stability to agricultural habitat value within the crane use area that does not currently exist. Although lesser sandhill cranes are less traditional in their use of roost sites in the Delta, these objectives for the greater sandhill crane would also benefit the lesser sandhill crane.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on greater sandhill crane habitat from Alternative 4 would represent an adverse effect as a result of habitat modification of a special-status species and potential for direct mortality. Considering Alternative 4's protection and restoration provisions, in addition to Mitigation Measure BIO-72, which would compensate for the loss of medium- to very high-value foraging habitat at a ratio of 1:1, loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on lesser sandhill crane.

Mitigation Measure BIO-72: Compensate for the Loss of Medium- to Very High-Value Lesser Sandhill Crane Foraging Habitat

DWR must compensate for the loss of lesser sandhill crane medium- to very high-value foraging habitat at a ratio of 1:1 by protecting or managing high- to very high-value habitat in the Plan Area. Compensation must occur prior to or concurrent with the impacts, to minimize the effects of habitat loss. The crop types and natural communities that are included in foraging value categories are listed in Table 12-4-32. Foraging habitat conservation must occur within 10 kilometers of traditional sandhill crane roost sites and the location of protected habitat or conservation easements must be preapproved by CDFW.

Impact BIO-73: Effects on Lesser Sandhill Crane Associated with Electrical Transmission Facilities

Sandhill cranes are susceptible to collision with power lines and other structures during periods of inclement weather and low visibility (Avian Power Line Interaction Committee 1994, Brown and Drewien 1995, Manville 2005). There are extensive existing transmission and distribution lines in the sandhill crane winter use area. These include a network of distribution lines that are between 11- and 22-kV. In addition, there are two 115-kV lines that cross the study area, one that overlaps with the greater sandhill crane winter use area between Antioch and I-5 east of Hood, and one that crosses the northern tip of the crane winter use area north of Clarksburg. There are 69-kv lines within the study area that parallel Twin Cities Road, Herzog Road, Lambert Road, and the Southern Pacific Dredge Cut in the vicinity of Stone Lakes National Wildlife Refuge. At the south end of the winter use area, there are three 230-kV transmission lines that follow I-5, and then cut southwest through Holt, and two 500-kV lines cross the southwestern corner of the winter use area. This existing network of power lines in the study currently poses a collision and electrocution risk for sandhill cranes, because they cross over or surround sandhill crane roost sites in the study area.

Both permanent and temporary electrical transmission lines would be constructed to supply construction and operational power to Alternative 4 facilities, as described below. The potential mortality of greater sandhill crane in the area of the proposed transmission lines was estimated for the Draft BDCP using collision mortality rates developed by Brown and Drewien (1995) and an estimate of potential crossings along the proposed lines (See Draft BDCP Appendix 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*). This analysis concluded that mortality risk could be substantially reduced by marking new transmission lines to increase their visibility to sandhill cranes. Mortality risk would be similarly reduced for lesser sandhill cranes by marking new transmission lines.

The transmission line footprint for Alternative 4 was changed substantially from the Draft BDCP to reduce potential risk of greater sandhill crane collisions. The following changes also reduce potential risk of lesser sandhill crane collisions:

Alternative 4 substantially reduced the length of permanent and temporary transmission lines as compared to the Draft BDCP, substantially reducing the likelihood of crane collisions. Under Alternative 4, no permanent transmission lines would be constructed within the greater sandhill crane winter use area. In addition, no new transmission lines (permanent or temporary) would be constructed in the vicinity of Staten Island which is one of the most important wintering sites for greater sandhill cranes in the Delta. The Alternative 4 transmission line alignment within the greater sandhill crane winter use area would be limited to three segments of temporary transmission lines: a temporary 11-mile segment extending north and south between Intake 2 and the intermediate forebay, a temporary 9-mile segment extending east and west between the intermediate forebay and the SMUD/WAPA substation, and an 11-mile segment extending north and south between Bouldin Island and Victoria Island. These three temporary lines would be removed after construction of the water conveyance facilities, after 10–14 years. Limiting the proposed transmission line footprint to temporary lines and siting these lines away from the highest use areas by both greater and lesser sandhill cranes, substantially reduces the potential for sandhill crane bird strike in Alternative 4 as compared to the Draft BDCP.

In addition, after the BDCP Draft EIR/EIS was issued in December of 2013, additional avoidance features were added to *AMM20 Greater Sandhill Crane*. *AMM20 Greater Sandhill Crane* requires that Alternative 4 meets the performance standard of no mortality of greater sandhill crane associated with the new facilities. This would be achieved by implementing one or any combination of the following: (1) siting new transmission lines in lower bird strike risk zones; (2) removing, relocating or undergrounding existing lines where feasible; (3) using natural gas generators in lieu of installing transmission lines in high-risk zones of the greater sandhill crane winter use area (4) undergrounding new lines in high-risk zones of the greater sandhill crane winter use area, (5) permanently installing flight diverters on existing lines over lengths equal to or greater than the length of the new temporary transmission lines in the crane winter use area; and/or (6) for areas outside of the Stone Lakes National Wildlife Refuge project boundary, shifting locations of flooded areas that provide crane roosts to lower risk areas. These measures are described in detail in *AMM20 Greater Sandhill Crane* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS).

The implementation of the measures described above under *AMM20 Greater Sandhill Crane*, in addition to the project design changes to avoid high crane use areas, would substantially reduce potential collisions of lesser sandhill cranes with transmission lines. Potential measures include using natural gas generators in lieu of transmission lines or undergrounding new lines in high-risk zones in the greater sandhill crane winter use area. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality, including for sandhill cranes (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new temporary transmission lines would be fitted with flight diverters. The installation of flight diverters on existing permanent lines would be prioritized in the highest risk zones for greater sandhill crane (as described in Draft BDCP Appendix 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*) and diverters would be installed in a configuration that research indicates would reduce bird strike risk by at least 60%. Diverters would be installed on existing lines at a rate of one foot of existing transmission line for every one foot of new project transmission line constructed, in an area with equal or higher greater sandhill crane bird strike risk. Placing diverters on existing lines would be expected to reduce existing lesser and greater sandhill crane mortality in the Plan Area and therefore result in a net benefit to the lesser sandhill crane population because these flight diverters would be maintained in perpetuity.~~Sandhill cranes are susceptible to collision with power lines and~~

~~other structures during periods of inclement weather and low visibility (Avian Power Line Interaction Committee 1994, Brown and Drewien 1995, Manville 2005). New transmission lines installed in the study area would increase the risk for bird-power line strikes, which could result in injury or mortality of lesser sandhill cranes. Both permanent and temporary electrical transmission lines would be constructed to supply construction and operational power to BDCP facilities. Typically, higher-voltage (230-kilovolt [kV]) lines vary in height from 90 to 110 feet, while "sub" transmission (69-kV) lines vary from 50 to 70 feet (Avian Power Line Interaction Committee 2006). The Alternative 4 alignment would require the installation of both permanent and temporary transmission lines extending north and south through much of the crane use area. In addition, a transmission line would be constructed between the cities of Hood and Locke eastward toward SR 99 which would require the installation of approximately 17 miles of permanent transmission line (10 miles of 230-kV line and 7 miles of 69-kV line) and approximately 46 miles (21 miles of 230-kV line and 25 miles of 69-kV line) of temporary transmission lines. Temporary lines would be removed after construction of the water conveyance facilities, within 10 years.~~

~~Existing transmission lines in the sandhill crane winter use area include a network of distribution lines that are between 11- and 22-kV. In addition, there are two 115-kV lines (one that overlaps with the winter use area between Antioch and I-5 east of Hood, and one that crosses the northern tip of the crane winter use area north of Clarksburg); and 69-kv lines that parallel Twin Cities Road, Herzog Road, Lambert Road, and the Southern Pacific Dredge Cut in the vicinity of Stone Lakes National Wildlife Refuge. At the south end of the winter use area, there are three 230-kV transmission lines that follow I-5, and then cut southwest through Holt, and two 500-kV lines cross the southwestern corner of the winter use area. This existing network of power lines in the study currently poses a risk for sandhill cranes, as both distribution and transmission lines cross over or surround sandhill crane roost sites in the study area. New transmission lines would increase this risk and have an adverse effect on the species in the absence of other conservation actions.~~

~~As described in BDCP Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*, of the Draft BDCP, the potential mortality of greater sandhill crane in the area of the proposed transmission lines was estimated using collision mortality rates by Brown and Drewien (1995) and an estimate of potential crossings along the proposed lines. Results indicate that in the absence of any line marking to increase visibility and reduce collision risk (i.e., without minimization measures), the average annual mortality of greater sandhill crane at permanent lines would be up to 18 fatalities per year and would be 120 fatalities per year at temporary lines. Lesser sandhill cranes use the same roost sites as greater sandhill cranes. However, their numbers fluctuate greatly over the season as they are more mobile and use a broader landscape than greater sandhill cranes. Although the roost population sizes would fluctuate more for lesser sandhill cranes, one could expect that proportionally, the total number of potential fatalities for the lesser sandhill crane would be similar to those of the greater sandhill crane.~~

~~Marking transmission lines with devices that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality, including for sandhill cranes. Brown and Drewien (1995) estimated that marking devices in the Central Valley would reduce crane mortality by 66%. Using this assumption, by incorporating line-marking devices into the designs the annual mortality rate is estimated to decrease to 7 fatalities per year for the permanent lines and, 41 fatalities per year for the temporary lines.~~

~~The current proposed transmission line alignment under Alternative 4 is not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the~~

~~final transmission line alignment would not result in a net increase in bird strike risk to greater sandhill cranes in the Plan Area. This would be achieved by implementing any combination of the following: (1) siting new transmission lines in lower bird strike risk zones; (2) removing, relocating or undergrounding existing lines; (3) installing flight diverters on existing lines in the crane winter use area; and/or (4) for areas outside of the Stone Lakes National Wildlife Refuge project boundary, shifting locations of flooded areas that provide crane roosts to lower risk areas. This would be expected to reduce existing mortality of both greater and lesser sandhill cranes in the study area. Designing the alignment to minimize risk and removing, relocating, or undergrounding existing lines would be given priority out of the above methods. With these measures, and considering that the temporary lines would be removed within the first 10 years of Alternative 4 implementation, the risk of lesser sandhill crane mortality from transmission lines would be reduced substantially.~~

NEPA Effects: Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for lesser sandhill cranes. Under Alternative 4, proposed transmission lines have been designed to substantially reduce the likelihood of a crane collision with transmission lines. New transmission lines constructed as part of the project would be limited to temporary lines which would be removed within the first 10–14 years of Alternative 4 implementation. In addition, no new transmission lines would be sited in the vicinity of Staten Island, which has high use by wintering lesser sandhill cranes. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By incorporating one or a combination of the measures to greatly reduce the risk of bird strike described in *AMM20 Greater Sandhill Crane*, described in *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines under Alternative 4 would not result in an adverse effect on lesser sandhill crane.~~Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for sandhill cranes. New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of lesser sandhill cranes. By incorporating line-marking devices on new transmission lines the estimated mortality rate for the greater sandhill crane would be 7 fatalities per year from permanent transmission lines and 41 fatalities per year from temporary transmission lines, and similar mortality rates would be expected for lesser sandhill cranes. The current proposed transmission line alignment under Alternative 4 is not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the final transmission line alignment avoided crane roost sites and achieved no net increase of greater sandhill crane strike risk in the Plan Area. Measures to achieve this would also substantially reduce lesser sandhill crane strike risk. With *AMM20 Greater Sandhill Crane*, and considering that the temporary lines would be removed within the first 10 years of Alternative 4 implementation, the risk of mortality from collision with transmission lines would not result in an adverse effect on the lesser sandhill crane population.~~

***CEQA Conclusion*:** Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for lesser sandhill cranes. Under Alternative 4, proposed transmission lines have been designed to substantially reduce the likelihood of a crane collision with transmission lines. New transmission lines constructed as part of the project would be limited to temporary lines which would be removed within the first 10–14 years of Alternative 4 implementation. In addition, no new transmission lines would be sited in the vicinity of Staten Island, which has high use by wintering lesser sandhill cranes. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By incorporating one or a combination of the measures to greatly reduce the risk of bird strike described in *AMM20 Greater Sandhill Crane*, described in *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines under Alternative 4 would have a less-than-significant impact on lesser sandhill crane.~~Sandhill cranes are known to be susceptible to collision with overhead wires. The existing network of power lines in the study area currently poses a risk for sandhill cranes. New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of greater sandhill crane. By incorporating line-marking devices on new transmission lines the estimated mortality rate would be 7 fatalities per year from permanent transmission lines and 41 fatalities per year from temporary transmission lines. A similar mortality rate would be expected for lesser sandhill crane. The current proposed transmission line alignment under Alternative 4 is not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the final transmission line alignment avoided crane roost sites and achieved no net increase of greater sandhill crane strike risk in the Plan Area. Measures to achieve this would also substantially reduce lesser sandhill crane strike risk. With *AMM20 Greater Sandhill Crane*, and considering that the temporary lines would be removed within the first 10 years of Alternative 4 implementation, the risk of mortality from collision with transmission lines would substantiallyunderresult in a less-than-significant impact on the lesser sandhill crane population.~~

Impact BIO-74: Indirect Effects of Plan Implementation on Lesser Sandhill Crane

Indirect construction-and operation-related effects: Sandhill cranes are sensitive to disturbance. Noise and visual disturbances from the construction of water conveyance facilities and other conservation measures could reduce lesser sandhill crane use of modeled habitat adjacent to work areas. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet of the construction edge. Furthermore, maintenance of the aboveground water conveyance facilities could result in ongoing but periodic postconstruction noise and visual disturbances that could affect lesser sandhill crane use of surrounding habitat. These effects could result from periodic vehicle use along the conveyance corridor, inspection and maintenance of aboveground facilities, and similar activities. These potential effects would be minimized with implementation of *AMM20 Greater Sandhill Crane* described in ~~B~~Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~DCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The BDCP includes an analysis of the indirect effects of noise and visual disturbance that would result from the construction of the Alternative 4 water conveyance facilities on greater sandhill crane (~~BDCP~~ see Appendix ~~5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*~~D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). The analysis addressed the potential noise effects on cranes, and concluded that as much as 20,243 ~~13,421–43,125~~ acres of crane habitat could potentially be affected by general construction noise (including pile driving) above baseline level (50–60 dBA; Table 12-4-30). This would include ~~666–3,274~~1,008 acres of permanent crane roosting habitat, 1,~~498–5,036~~909 acres of temporary crane roosting habitat, and ~~11,258–34,816~~17,327 acres of crane foraging habitat. ~~In addition, 120–668 acres of permanent crane roosting habitat, 477–1,562 acres of temporary crane roosting habitat, and 1,392–11,882 acres of crane foraging habitat could be affected by noise from pile driving that would be above baseline level (50–60 dBA, Table 12-4-30 under Impact-BIO-71).~~ The analysis was conducted based on the assumption that there would be direct line-of-sight from sandhill crane habitat areas to the construction site, and, therefore, provides a worst-case estimate of effects. In many areas the existing levees would partially or completely block the line-of-sight and would function as effective noise barriers, substantially reducing noise transmission. However, there is insufficient data to assess the effects that increased noise levels would have on sandhill crane behavior. Similar acreages of lesser sandhill crane habitat would be expected to be indirectly affected. However, lesser sandhill cranes are less traditional in their winter roost sites and may be more likely to travel away from disturbed areas to roost and forage in more suitable habitat.

Evening and nighttime construction activities would require the use of extremely bright lights. Nighttime construction could also result in headlights flashing into roost sites when construction vehicles are turning onto or off of construction access routes. Proposed surge towers would require the use of safety lights that would alert low-flying aircraft to the presence of these structures because of their height. Little data is available on the effects of impact of artificial lighting on roosting birds. Direct light from automobile headlights has been observed to cause roosting cranes to flush and it is thought that they may avoid roosting in areas where lighting is bright (~~BDCP~~ see Chapter 5, *Effects Analysis*, of the Draft BDCP). If the birds were to roost in a brightly lit site, they may be vulnerable to sleep-wake cycle shifts and reproductive cycle shifts. Potential risks of visual impacts from lighting include a reduction in the cranes' quality of nocturnal rest, and effects on their "sense of photo-period which might cause them to shift their physiology towards earlier migration and breeding." (~~BDCP~~ see Chapter 5, *Effects Analysis*, of the Draft BDCP). Effects such as these could prove detrimental to the cranes' overall fitness and reproductive success (which could in turn have population-level impacts). A change in photo-period interpretation could also cause cranes to fly out earlier from roost sites to forage and might increase their risk of power line collisions if they were to leave roosts before dawn (~~BDCP~~ see Chapter 5, *Effects Analysis*, of the Draft BDCP).

The effects of noise and visual disturbance on lesser sandhill crane would be minimized through the implementation of AMM20 (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~). Activities within 0.75 mile of crane roosting habitat would reduce construction noise during night time hours (from one hour before sunset to one hour after sunrise) such that construction noise levels do not exceed 50 dBA L_{eq} (1 hour) at the nearest temporary or permanent roosts during periods when the roost sites are available (flooded). In addition, the area of crane foraging habitat that would be affected during the day (from one hour after sunrise to one hour before sunset) by construction noise exceeding 50 dBA L_{eq} (1 hour) would also be minimized. Unavoidable noise related effects would be compensated for by the enhancement of 0.1 acre of foraging habitat for every acre indirectly affected within the 50 dBA L_{eq} (1 hour) construction noise contour. With these measures in place, indirect effects of noise and visual disturbance from construction activities are not expected to reduce the lesser sandhill crane population in the study area.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect lesser sandhill cranes in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to lesser sandhill crane habitat could also affect the subspecies. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures were in place to prevent runoff from the construction area and negative effects of dust on foraging habitat.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in lesser sandhill cranes. Largemouth bass was used as a surrogate species for analysis (Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~Appendix D~~). Results of the quantitative modeling of mercury effects on largemouth bass as a surrogate species would overestimate the effects on lesser sandhill crane as they primarily forage on cultivated crops and invertebrates. Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009). Modeled effects of mercury concentrations from changes in water operations under CM1 on largemouth bass did not differ substantially from existing conditions; therefore, results also indicate that lesser sandhill crane tissue concentrations would not measurably increase as a result of CM1 implementation.

Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury. Increased methylmercury associated with natural community and floodplain restoration may indirectly affect lesser sandhill crane via uptake in lower tropic levels (Draft BDCP Appendix 5.D, *Contaminants*). Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects.

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*~~,~~ is included to provide for site-specific evaluation for each restoration project. If a project is identified where there is a high potential for methylmercury production that could not be fully addressed through restoration design and adaptive management, alternate restoration areas would be considered. CM-12 would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~Covered activities have the potential to exacerbate bioaccumulation of mercury in lesser sandhill crane. Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see BDCP Chapter 3, *Conservation Strategy*, for details of restoration). Increased methylmercury associated with natural community and floodplain restoration may indirectly affect lesser sandhill crane via uptake in lower tropic levels (BDCP Appendix 5.D, *Contaminants*). The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* includes provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management~~

~~and monitoring, *CM12 Methylmercury Management* would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on lesser sandhill crane.~~

~~The potential indirect effects of increased mercury exposure is likely low for lesser sandhill crane for the following reasons: 1) lesser sandhill cranes occur in the study area only during the nonbreeding months, 2) their primary foraging habitats in the study area are cultivated crops, and 3) the use of restored tidal wetlands by cranes is likely to be limited compared to seasonal managed wetlands.~~

Selenium: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including the lesser sandhill crane. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy,* of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4–CM5) would lead to adverse effects on lesser sandhill crane.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on lesser sandhill crane from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Crane habitat could potentially be affected by general construction noise ~~(13,421-43,125 acres) and pile driving (1,989-14,111 acres)~~ above baseline level (50–60 dBA). However, lesser sandhill cranes are less traditional in their winter roost sites than greater sandhill cranes and may be more likely to travel away from disturbed areas to roost in more suitable habitat. Construction in certain areas would take place 7 days a week and 24 hours a day and evening and nighttime construction activities would require the use of extremely bright lights, which could adversely affect roosting cranes by impacting their sense of photo-period and by exposing them to predators. Effects of noise and visual disturbance could substantially alter the suitability of habitat for lesser sandhill crane. ~~The effects of noise and visual disturbances would be reduced through the implementation of~~ *AMM20 Greater Sandhill Crane*, which would include requirements (described above) to minimize the effects of noise and visual disturbance on sandhill cranes and to mitigate for affected habitat. ~~With these measures in place, in addition to AMM1–AMM7, noise and visual disturbances, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would not result in an adverse effect on the lesser sandhill crane.~~

Tidal habitat restoration could result in increased exposure of lesser sandhill crane to selenium which could result in the mortality of a special status species. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

~~With these measures in place, the effects of noise and visual disturbance, potential spills of hazardous materials, and increased exposure to selenium would not have an adverse effect on lesser sandhill crane.~~

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of lesser sandhill crane to methylmercury. The potential indirect effects of increased mercury exposure is likely low for lesser sandhill crane because they primarily forage on cultivated crops and associated invertebrates. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species.

~~The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of lesser sandhill crane to methylmercury. The potential indirect effects of increased mercury exposure is likely low for lesser sandhill crane However, it is unknown what concentrations of methylmercury are harmful to the species, and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on lesser sandhill crane. The site-specific planning phase of marsh restoration would be the appropriate place to assess the~~

~~potential for risk of methylmercury exposure for lesser sandhill crane, once site specific sampling and other information could be developed.~~

***CEQA Conclusion*:** Crane habitat could potentially be affected by general construction noise ~~(13,421–43,125 acres) and pile driving (1,989–14,111 acres)~~ above baseline level (50–60 dBA). However, lesser sandhill cranes are less traditional in their winter roost sites and may be more likely to travel away from disturbed areas to roost in more suitable habitat. Construction in certain areas would take place 7 days a week and 24 hours a day and evening and nighttime construction activities would require the use of extremely bright lights, which could adversely affect roosting cranes by impacting their sense of photo-period and by exposing them to predators. Effects of noise and visual disturbance could substantially alter the suitability of habitat for lesser sandhill crane. This would be a significant impact. ~~The effects of noise and visual disturbances would be reduced through the implementation of~~ With *AMM20 Greater Sandhill Crane* in place, which would include requirements (described above) to minimize the effects of noise and visual disturbance on sandhill cranes and to mitigate for affected habitat, there would not be an adverse effect on lesser sandhill crane.

Tidal habitat restoration could result in increased exposure of lesser sandhill crane to selenium which could result in the potential mortality of a special-status species. This would be a significant impact. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Methylmercury tissue concentrations in lesser sandhill crane would not be expected to measurably increase as a result of water operations under CM1 compared to the No Action Alternative. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of lesser sandhill crane to methylmercury. This would be a significant impact. The potential indirect effects of increased mercury exposure is likely low for lesser sandhill crane because they primarily forage on cultivated crops and associated invertebrates. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on lesser sandhill crane.

With AMM1-AMM7, AMM20, AMM27, and CM12 in place, the indirect effects of plan implementation under Alternative 4 would not substantially reduce the number or restrict the range of lesser sandhill cranes. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on lesser sandhill crane.

~~The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of lesser sandhill crane to methylmercury. The potential indirect effects of increased mercury exposure is likely low for lesser sandhill crane. However, it is unknown what concentrations of methylmercury are harmful to the species, and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on lesser sandhill crane. Tidal habitat restoration could result in increased exposure of lesser sandhill crane to selenium. This impact would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for~~

~~bioaccumulation of selenium and its bioavailability in tidal habitats. With AMM1–AMM7 and *AMM27 Selenium Management* in place, in addition to *CM12 Methylmercury Management*, indirect effects of Alternative 4 implementation would have a less-than-significant impact on lesser sandhill crane.~~

Least Bell's Vireo and Yellow Warbler

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on least Bell's vireo and yellow warbler. Least Bell's vireo and yellow warbler modeled habitat identifies suitable nesting and migratory habitat as those plant alliances from the valley/foothill riparian modeled habitat that contain a dense shrub component, including all willow-dominated alliances.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of least Bell's vireo and yellow warbler modeled habitat as indicated in Table 12-4-33. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit least Bell's vireo and yellow warbler (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM7).
- Maintain and enhance structural heterogeneity (Objective VFRNC2.1, associated with CM7).
- Maintain at least 1,000 acres of early- to mid-successional vegetation (Objective VFRNC2.2, associated with CM7).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments and implementation of AMM1–AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, and Mitigation Measure BIO-75, impacts on least Bell's vireo and yellow warbler would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-33. Changes in Least Bell's Vireo and Yellow Warbler Modeled Habitat Associated with Alternative 4 (acres)[a]

		Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	Habitat Type	NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Migratory and breeding	32	32	27	27	NA	NA
Total Impacts CM1		**32**	**32**	**27**	**27**		
CM2–CM18	Migratory and breeding	382	656	88	109	48–85	148
Total Impacts CM2–CM18		**382**	**656**	**88**	**109**	**48–85**	**148**
TOTAL IMPACTS		**414**	**688**	**115**	**136**	**48–85**	**148**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-75: Loss or Conversion of Habitat for and Direct Mortality of Least Bell's Vireo and Yellow Warbler

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~817~~ 824 acres of modeled habitat (~~685~~ 688 acres of permanent loss and ~~132~~ 136 acres of temporary loss) for least Bell's vireo and yellow warbler (Table 12-4-33). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Fremont Weir/Yolo Bypass fisheries improvements (CM2), tidal natural communities restoration (CM4), and seasonally inundated floodplain restoration (CM5). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate least Bell's vireo and yellow warbler habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follows the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~:* Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~52~~ 59 acres of modeled least Bell's vireo and yellow warbler habitat (Table 12-4-33). Of the ~~52~~ 59 acres of modeled habitat that would be removed for the construction of the conveyance facilities, ~~29~~ 32 acres would be a permanent loss and ~~23~~ 27 acres would be a temporary loss of habitat.

Activities that would impact modeled habitat consist of the construction of tunnel, forebay, and intake construction, permanent and temporary access roads, ~~and~~ construction of transmission lines, and temporary barge unloading facilities and work areas. Impacts from CM1 would occur in the central delta in CZs 3, 4, 5, 6, and 8. Permanent habitat loss would occur from the construction of Intakes 2, 3, and 5 on the east bank of the Sacramento River between Freeport and Courtland. Some habitat would also be impacted by the construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Additional losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough and where temporary work areas surround intake sites. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described *in AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require a period of time for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, restored riparian vegetation can have the habitat structure to support breeding vireos within 3 to 5 years, particularly if the restored vegetation is adjacent to established riparian areas (Kus 2002), and similar habitat would be suitable for yellow warbler. The majority of the riparian vegetation to be temporarily removed is early- to mid-successional; therefore, the replaced riparian vegetation would be expected to have structural components comparable to the temporarily removed vegetation within the first 5 to 10 years after the initial restoration activities are complete. There are no occurrences of least Bell's vireo or yellow warbler that intersect with the CM1 footprint. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of Yolo Bypass fisheries enhancements would permanently remove approximately 83 acres and temporarily remove 88 acres of modeled least Bell's vireo and yellow warbler habitat in the Yolo Bypass in CZ 2. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 545 acres of modeled least Bell's vireo and yellow warbler habitat.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently remove approximately 28 acres and temporarily remove 21 acres of modeled least Bell's vireo and yellow warbler habitat. Based on the riparian habitat restoration assumptions, a minimum of 3,000 acres of valley/foothill riparian habitat would be restored as a component of seasonally inundated floodplain restoration actions.

The actual number of acres of valley/foothill riparian habitat that CM4 and CM5 would restore may differ from these estimates, depending on how closely the actual outcome of tidal habitat restoration approximates the assumed outcome. However, riparian restoration from CM4 and CM5 would increase the extent of least Bell's vireo and yellow warbler habitat within the study area once the restored riparian vegetation has developed habitat functions for these species.

- *CM6 Channel Margin Enhancement:* Channel margin habitat enhancement could result in removal of small amounts of valley/foothill riparian habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur along waterway margins where riparian habitat stringers exist, including levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs.

- *CM11 Natural Communities Enhancement and Management:* Habitat protection and management activities that could be implemented in protected least Bell's vireo and yellow warbler habitats are expected to maintain and improve the functions of the habitat over the term of the BDCP. Least Bell's vireo and yellow warbler would be expected to benefit from the increase in protected habitat, which would maintain conditions favorable for future species establishment in the study area. If least Bell's vireo and yellow warbler established breeding populations in restored riparian habitats in the study area, occupied habitat would be monitored to determine if there were a need to implement controls on brood parasites (brown-headed cowbird) or nest predators. If implemented, these actions would be expected to benefit the least Bell's vireo and yellow warbler by removing a potential stressor that could, if not addressed, adversely affect the stability of newly established populations.

  Habitat management- and enhancement-related activities could disturb least Bell's vireo and yellow warbler nests. If either species were to nest in the vicinity of a worksite, equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. The potential for these activities to result in direct mortality of least Bell's vireo or yellow warbler would be minimized with the implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect least Bell's vireo and yellow warbler use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: ~~Although l~~Nesting of least Bell's vireo ~~nesting~~ and yellow warbler has not been confirmed in the study ~~area,~~ area. Although there have been recent occurrences of least Bell's vireo in the Yolo Bypass and of both least Bell's vireo and yellow warbler at the San Joaquin River National Wildlife Refuge, ~~suggest that~~ the reestablishment of a breeding population of either species is ~~a possibility~~unlikely ~~over the duration of the BDCP~~over the term of the project (14 years). If present in the study area, ~~C~~construction-related activities would not be expected to result in direct mortality of least Bell's vireo or yellow warbler because adults and fledged young would be expected to avoid contact with construction and other equipment. ~~However, if~~If either species were to nest in the construction area, equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. These effects ~~on least Bell's vireo~~ would be avoided and minimized with the implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo.* In addition, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would be available to address adverse effects on nesting yellow warblers.

- ~~Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities. Although the effects are considered temporary, the restored riparian habitat would require a period of time for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, restored riparian vegetation can have the habitat structure to support breeding vireos within 3 to 5 years, particularly if the restored vegetation is adjacent to established riparian areas (Kus 2002), and similar habitat would be suitable for yellow warbler. The majority of the riparian vegetation to be temporarily removed is early- to mid-successional; therefore, the replaced riparian vegetation would be expected to have structural components comparable to the temporarily removed vegetation within the first 5 to 10 years after the initial restoration activities are complete.~~

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove ~~522~~ 529 acres of modeled habitat for least Bell's vireo and yellow warbler in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~52~~ 59 acres of habitat), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2] tidal restoration [CM4], seasonally inundated floodplain restoration [CM5], 470 acres of habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for least Bell's vireo in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of dense shrubby successional valley/foothill riparian habitat. Using these ratios would indicate that ~~52~~ 59 acres of valley/foothill riparian habitat should be restored/created and ~~52~~ 59 acres should be protected to compensate for the CM1 losses of least Bell's vireo and yellow warbler habitat. The near-term effects of other conservation actions would remove 470 acres of modeled habitat, and therefore require 470 acres of restoration and 470 acres of protection of dense shrubby valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on least Bell's vireo and yellow warbler. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). This restoration would provide the large contiguous patches needed for suitable least Bell's vireo and yellow warbler breeding habitat. Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). These Plan objectives represent performance standards for considering the effectiveness of CM7 restoration and CM3 protection actions. The acres of protection contained in the near-term Plan goals and the additional detail in the biological objectives for least Bell's vireo satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures. The restored riparian habitat could require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, because the modeled habitat impacted largely consists of small patches of blackberry, willow, and riparian scrub, and because least Bell's vireo and yellow warbler are not known to be established breeders in the study area, BDCP actions would not be expected to have an adverse population-level effect on either species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities,* and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The yellow warbler is not a species that is covered under the BDCP. Although preconstruction surveys for least Bell's vireo may also detect yellow warblers (if they were to nest in the study area over the course of the BDCP), in order to have a less than adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that yellow warbler nests were detected and avoided. Mitigation Measure BIO-75 would be available to address adverse effects on nesting yellow warblers.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 14,850 acres of modeled habitat for least Bell's vireo and yellow warbler. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~817~~ 824 acres of habitat for these species during the term of the Plan (7% of the total habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, and CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable nesting and migratory habitat for the least Bell's vireo and yellow warbler.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 1,000 acres and the protection of 593 acres of habitat for the least Bell's vireo, which would also be suitable habitat for the yellow warbler.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of least Bell's vireo and yellow warbler habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, neither species is an established breeder in the study area and impacts would likely be limited to loss of migratory habitat. In addition, with habitat protection and restoration associated with CM3 and CM7, guided by biological goals and objectives and by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss and potential mortality on least Bell's vireo, and the effect of habitat loss on yellow warbler under Alternative 4 would not be adverse. The yellow warbler is not a species that is covered under the BDCP, and the potential for mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant under CEQA. Alternative 4 would remove ~~522~~ 529 acres of modeled habitat for least Bell's vireo and yellow warbler in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~52~~ 59 acres of habitat), and implementing other conservation measures (Yolo Bypass fisheries improvements [CM2] tidal restoration [CM4], seasonally inundated floodplain restoration [CM5], 470 acres of habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for least Bell's vireo in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of dense shrubby successional valley/foothill riparian habitat. Using these ratios would indicate that ~~52~~ 59 acres of valley/foothill riparian habitat should be restored/created and ~~52~~ 59 acres should be protected to mitigate the CM1 losses of least Bell's vireo and yellow warbler habitat. The near-term effects of other conservation actions would remove 470 acres of tidal natural communities, and therefore require 470 acres of restoration and 470 acres of protection of dense shrubby valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on least Bell's vireo and yellow warbler. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). This restoration would provide the large contiguous patches needed for suitable least Bell's vireo and yellow warbler breeding habitat. Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). These Plan objectives represent performance standards for considering the effectiveness of CM7 restoration and CM3 protection actions. ~~biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions.~~

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 Barge Operations Plan, AMM10 Restoration of Temporarily Affected Natural Communities* ,and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on least Bell's vireo and yellow warbler habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. The acres of protection contained in the near-term Plan goals and the additional detail in the biological objectives for least Bell's vireo satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures. The restored riparian habitat could require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, because the modeled habitat impacted largely consists of small patches of blackberry, willow, and riparian scrub, and because least Bell's vireo and yellow warbler are not known to be established breeders in the study area, temporal losses of potential habitat as a result of BDCP actions would not be expected to have an adverse population-level effect on either species.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~ The yellow warbler is not a species that is covered under the BDCP. Although preconstruction surveys for least Bell's vireo may also detect yellow warblers (if they were to nest in the study area over the course of the BDCP), in order to ~~have a less than~~avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that yellow warbler nests are detected and avoided. Mitigation Measure BIO-75 would reduce the potential impact on nesting yellow warblers to a less-than-significant impact, should they become established in the study area. Considering the conservation actions described above, and AMMs 1-7 AMM 22, and Mitigation Measure BIO-75, Alternative 4, over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, Alternative 4 would have a less-than-significant impact on least Bell's vireo and yellow warbler.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 14,850 acres of modeled habitat for least Bell's vireo and yellow warbler. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~817~~ 824 acres of habitat for these species during the term of the Plan (7% of the total habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, and CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable nesting and migratory habitat for the least Bell's vireo and yellow warbler. The restored riparian habitat could require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. Therefore, there would be a time-lag before the restored habitat would benefit either species. However, neither species are established breeders in the study area and impacts would likely be limited to loss of migratory habitat for least Bell's vireo and yellow warbler.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 1,000 acres and the protection of 593 acres of habitat for the least Bell's vireo, which would also be suitable habitat for the yellow warbler.

The loss of least Bell's vireo and yellow warbler habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, neither species is an established breeder in the study area and impacts would likely be limited to loss of migratory habitat for least Bell's vireo and yellow warbler. In addition, with habitat protection and restoration associated with CM3 and CM7, guided by biological goals and objectives and by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, AMM7 Reusable Tunnel Material, AMM10 Restoration of Temporarily Affected Natural Communities , and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities~~throughout the construction period~~, the impact of habitat loss and potential mortality on least Bell's vireo and the impact of habitat loss on yellow warbler under Alternative 4 would be less than significant. The yellow warbler is not a species that is covered under the BDCP. Although preconstruction surveys for least Bell's vireo may also detect nesting yellow warblers, for the BDCP to have a less-than-significant impact on individuals, preconstruction surveys for noncovered avian species would be required to ensure that yellow warbler nests are detected and avoided. Implementation of Mitigation Measure BIO-75 would reduce this potential impact on nesting yellow warblers, if present in the study area, to a less-than-significant level.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

To reduce impacts on nesting birds, DWR will implement the measures listed below.

- To the maximum extent feasible, vegetation (trees, shrubs, ruderal areas) removal and trimming will be scheduled during the nonbreeding season of birds (September 1–January 31). If vegetation removal cannot be removed in accordance with this timeframe, preconstruction/preactivity surveys for nesting birds and additional protective measures will be implemented as described below.

- A qualified wildlife biologist with knowledge of the relevant species will conduct nesting surveys before the start of construction. A minimum of three separate surveys will be conducted within 30 days prior to construction, with the last survey within 3 days prior to construction. Surveys will include a search of all suitable nesting habitat (trees, shrubs, ruderal areas, field crops) in the construction area. In addition, a 500-foot area around the project area will be surveyed for nesting raptors, and a ~~250~~500-foot buffer area will be surveyed for other nesting birds. If no active nests are detected during these surveys, no additional measures are required.

- If active nests are found in the survey area, no-disturbance buffers will be established around the nest sites to avoid disturbance or destruction of the nest site until the end of the breeding season (approximately September 1) or until a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). A qualified wildlife biologist will monitor construction activities in the vicinity of the nests to ensure that construction activities do not affect nest success. The extent of the buffers will be determined by the biologists in coordination with USFWS and CDFW and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.

Impact BIO-76: Fragmentation of Least Bell's Vireo and Yellow Warbler Habitat

Grading, filling, contouring, and other initial ground-disturbing operations may temporarily fragment modeled least Bell's vireo and yellow warbler habitat. This could temporarily reduce the affected habitat's extent and functions, including exposure to cowbird parasitism, a nest parasite of both species. Because there are only two recent occurrences of least Bell's vireo within the study area, and no occurrences of yellow warbler breeding in the study area, future occupancy would likely consist of only a small number of individuals, and any such habitat fragmentation is expected to have no or minimal effect on the species. Preconstruction surveys under *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* and Mitigation Measure BIO-75, Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds, would identify any nesting pairs and the potential for habitat fragmentation to affect either species. If a nesting pairs of either species were detected where fragmentation has occurred, nests would be monitored for edge effects or other effects caused by the disturbance. The habitat would be adaptively managed to avoid or minimize impacts (e.g. cowbird control) under Environmental Commitment 11 which includes the control of nonnative predators through habitat manipulation techniques or trapping to reduce nest predation.

***NEPA Effects*:** Because there are only two recent occurrences of least Bell's vireo within the study area, and no occurrences of yellow warbler breeding in the study area, habitat fragmentation resulting from ground-disturbing operations is not expected to affect either species. If nesting pairs of either species were detected where fragmentation has occurred, nests would be monitored for edge effects or other effects caused by the disturbance. The habitat would be adaptively managed to avoid or minimize impacts (e.g. cowbird control) under Environmental Commitment 11. Therefore, the effect of habitat fragmentation would not have an adverse effect on least Bell's vireo or yellow warbler.

***CEQA Conclusion*:** Because there are only two recent occurrences of least Bell's vireo within the study area, and no occurrences of yellow warbler breeding in the study area, habitat fragmentation resulting from ground-disturbing operations would not be expected to substantially modify habitat or result in the direct mortality of special status species. If nesting pairs of either species were detected where fragmentation has occurred, nests would be monitored for edge effects or other effects caused by the disturbance. The habitat would be adaptively managed to avoid or minimize impacts (e.g. cowbird control) under Environmental Commitment 11. Therefore, the effect of habitat fragmentation, as a result of Alternative 4 would have a less-than-significant impact on least Bell's vireo ~~or~~ and yellow warbler.

Impact BIO-77: Effects on Least Bell's Vireo and Yellow Warbler Associated with Electrical Transmission Facilities

Both least Bell's vireo and yellow warbler typically occur in early to mid-successional riparian habitat, which is used to meet all of its life requisites. Least Bell's vireo are rarely observed in open habitats away from riparian vegetation. Neither species form flocks and individuals generally remain at or below the riparian canopy, below the height of proposed transmission lines (see Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*, of the Draft BDCP). ~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of least Bell's vireo and yellow warbler. While both species could recolonize the study area during the permit term, recolonization would be expected to result primarily in response to BDCP riparian restoration, which would occur largely in CZ 7, which does not overlap with the proposed footprint for new transmission lines.~~ The lack of occurrences in the study area~~, the lack of current and future higher value habitat patches in the vicinity of the proposed transmission lines,~~ and the behavior and habitat requirements of least Bell's vireo and yellow warbler make collision with the proposed transmission lines highly unlikely. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). For example, Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. As described in *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which would substantially reduce any potential for mortality of least Bell's vireo or yellow warbler individuals from powerline collisions.

NEPA Effects: Installation and presence of new transmission lines would not result in an adverse effect on least Bell's vireo or yellow warbler because the probability of bird-powerline strikes is unlikely due to the lack of occurrences in the study area~~, the lack of current and future higher value habitat patches in the vicinity of the proposed transmission lines,~~ and the behavior and habitat requirements of these species. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would substantially reduce the risk of mortality from bird strike for least Bell's vireo and yellow warbler from the project. Therefore, the construction and operation of new transmission lines would not result in an adverse effect on least Bell's vireo or yellow warbler.

CEQA Conclusion: Installation and presence of new transmission lines would result in less-than-significant impact on least Bell's vireo or yellow warbler because the probability of bird-powerline strikes is unlikely due to the lack of occurrences in the study area~~, the lack of current and future higher value habitat patches in the vicinity of the proposed transmission lines,~~ and the behavior and habitat requirements of these species. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would substantially reduce the risk of mortality from bird strike for least Bell's vireo and yellow warbler from the project. Therefore, the construction and operation of new transmission lines would result in a less-than-significant impact on least Bell's vireo or yellow warbler.~~.~~

Impact BIO-78: Indirect Effects of Plan Implementation on Least Bell's Vireo and Yellow Warbler

Indirect construction- and operation-related effects: If least Bell's vireo or yellow warbler were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect least Bell's vireo or yellow warbler. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would reduce the potential for adverse effects of construction-related activities on survival and productivity of nesting least Bell's vireo and a 500 foot no-disturbance buffer would be established around the active nest. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to reduce the potential for adverse effects of construction-related activities on nesting yellow warbler. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect least Bell's vireo and yellow warbler in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on these species. *AMM2 Construction Best Management Practices and Monitoring* would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including the least Bell's vireo and yellow warbler. Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect least Bell's vireo and yellow warbler, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP).

The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on least Bell's vireo and yellow warbler.

***NEPA Effects*:** Impacts of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities on least Bell's vireo would not be adverse with the implementation of AMM1–AMM7, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo.* Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting yellow warblers. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of least Bell's vireo or yellow warbler to methylmercury, should they begin to nest in the study area. However, it is unknown what concentrations of methylmercury are harmful to these species. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential adverse effects of methylmercury on least Bell's vireo and yellow warbler.

***CEQA Conclusion*:** Impacts of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would have a less-than-significant impact on least Bell's vireo and yellow warber with the implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and *AMM2 Construction Best Management Practices and Monitoring*. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of least Bell's vireo or yellow warbler to methylmercury, should they begin to nest in the study area. However, it is unknown what concentrations of methylmercury are harmful to these species. Sites-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would be available to address the uncertainty of methylmercury levels in restored tidal marsh and significant impacts on least Bell's vireo and yellow warbler.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-79: Periodic Effects of Inundation of Least Bell's Vireo and Yellow Warbler Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (CM2) would increase the frequency and duration of inundation of approximately 48–85 acres of modeled least Bell's vireo and yellow warbler habitat in CZ 2. No adverse effects of increased inundation frequency on least Bell's vireo, yellow warbler, or their habitat would be expected, because riparian vegetation supporting habitat has persisted under the existing Yolo Bypass flooding regime and changes to frequency and inundation would be within the tolerance of these vegetation types.

Based on hypothetical floodplain restoration for CM5, construction of setback levees could result in periodic inundation of up to 148 acres of modeled least Bell's vireo and yellow warbler habitat in CZ 7. Inundation of restored floodplains would not be expected to affect least Bell's vireo, yellow warbler, or their habitat because the breeding period is outside the period when floodplains would likely be inundated. Additionally, periodic inundation of floodplains would be expected to restore a more natural flood regime in support of riparian vegetation types that support least Bell's vireo and yellow warbler habitat. The overall effect of seasonal inundation in existing riparian natural communities would be beneficial, because, historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants.

NEPA Effects: Implementation of CM2 and CM5 would result in periodic inundation of 48–85 acres (CM2) and 148 acres (CM5) of modeled habitat for least Bell's vireo and yellow warbler. However, periodic effects of inundation would not result in an adverse effect on least Bell's vireo or yellow warbler because inundation would occur primarily during the nonbreeding season and would promote a more natural flood regime in support of habitat for these species. The effect would be beneficial.

CEQA Conclusion: Implementation of CM2 and CM5 would result in periodic inundation of 48–85 acres (CM2) and 148 acres (CM5) of modeled habitat for least Bell's vireo and yellow warbler. However, periodic effects of inundation would have a less-than-significant impact on least Bell's vireo or yellow warbler because inundation would occur during the nonbreeding season and would not be expected to adversely modify habitat or result in direct mortality of either species. Flooding promotes the germination and establishment of many native riparian plants. Therefore, the overall impact of seasonal inundation in existing riparian natural communities would be beneficial for least Bell's vireo and yellow warbler.

Suisun Song Sparrow and Saltmarsh Common Yellowthroat

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on Suisun song sparrow and saltmarsh common yellowthroat. The habitat model used to assess effects on Suisun song sparrow and saltmarsh common yellowthroat is based on primary breeding habitat and secondary habitat. Suisun song sparrow and saltmarsh common yellowthroat primary habitat consists of all *Salicornia*-dominated tidal brackish emergent wetland and all *Typha*-, *Scirpus*-, and *Juncus*-dominated tidal freshwater emergent wetland in the study area west of Sherman Island, with the exception that *Scirpus acutus* and *S. californicus* plant communities (low marsh) and all of the plant communities listed below that occur in managed wetlands were classified as secondary habitat. Upland transitional zones, providing refugia during high tides, within 150 feet of the wetland edge were also included as secondary habitat. Secondary habitats generally provide only a few ecological functions such as foraging (low marsh and managed wetlands) or extreme high tide refuge (upland transition zones), while primary habitats provide multiple functions, including breeding, effective predator cover, and value forage.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of Suisun song sparrow and saltmarsh common yellowthroat modeled habitat as indicated in Table 12-4-34. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the Suisun song sparrow and the saltmarsh common yellowthroat (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 including at least 1,500 acres of middle and high marsh (Objectives TBEWNC1.1 and TBEWNC1.2, associated with CM4).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Protect at least 200 feet of adjacent grasslands beyond the sea level rise accommodation area (Objective GNC1.4, associated with CM3).

As explained below, with the restoration and protection of these amounts of habitat, in addition to natural community enhancement and management commitments (including *CM12 Methylmercury Management*) and implementation of AMM1–AMM7, *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, and Mitigation Measure BIO-75, *Conduct*

Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds, impacts on Suisun song sparrow and saltmarsh common yellowthroat would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-34. Changes in Suisun Song Sparrow Saltmarsh Common Yellowthroat Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Primary	0	0	0	0	NA	NA
	Secondary	0	0	0	0	NA	NA
Total Impacts CM1							
CM2–CM18	Primary	54	55	0	0	0	0
	Secondary	1,098	3,633	0	0	0	0
Total Impacts CM2–CM18		**1,152**	**3,633**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**1,152**	**3,688**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-80: Loss or Conversion of Habitat for and Direct Mortality of Suisun Song Sparrow and Saltmarsh Common Yellowthroat

Alternative 4 conservation measures would result in the permanent loss of up to 3,510 acres of Suisun song sparrow and saltmarsh common yellowthroat habitat, which would include the conversion of 55 acres of primary habitat to secondary low marsh, and the conversion of 123 acres of secondary habitat to middle or high marsh (Table 12-4-34). The only conservation measure that would affect modeled habitat for Suisun song sparrow and saltmarsh common yellowthroat is *CM4 Tidal Natural Communities Restoration*. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could also result in local adverse habitat effects. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follows the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration*: Site preparation and inundation would permanently remove approximately 3,510 acres of modeled secondary Suisun song sparrow and saltmarsh common yellowthroat habitat from CZ 11 (Table 12-4-34). In addition, 55 acres of primary habitat would be converted to secondary low marsh, and 123 acres of secondary habitat would be converted to middle or high marsh. Most areas proposed for removal would be managed wetlands that serve as relatively marginal habitat for Suisun song sparrow and saltmarsh common yellowthroat, which primarily use brackish tidal wetlands. Approximately 2% of primary habitat for these species would be converted to foraging habitat. Full implementation of CM4 would restore or create at least 6,000 acres of tidal brackish emergent wetland natural community in CZ 11, which would be expected to support Suisun song sparrow and saltmarsh common yellowthroat habitat. It is expected that restoring tidal wetland communities that are self-sustaining and not reliant on ongoing management actions necessary to maintain the existing managed wetland habitats would better ensure the long-term viability of these populations. Furthermore, effects of tidal habitat restoration on sparrow and yellowthroat abundance and distribution would be monitored, and the restoration of tidal habitat would be sequenced and located in a manner that minimizes effects on occupied habitats until functional habitats were restored (see ~~BDCP~~ Chapter 3, Section 3.4.4, *Conservation Measure 4 Tidal Natural Communities Restoration*, and Section 3.6, *Adaptive Management and Monitoring Program*, of the Draft BDCP).

- *CM11 Natural Communities Enhancement and Management:* Control of nonnative Suisun song sparrow and saltmarsh common yellowthroat predators, if deemed necessary, would be expected to reduce predation loss of nests and, consequently, increase and maintain the abundance of Suisun song sparrow and saltmarsh common yellowthroat in restored tidal habitats over the term of the BDCP. Habitat management- and enhancement-related activities could disturb Suisun song sparrow or saltmarsh common yellowthroat nests if they are located near work sites. The potential for these activities to have an adverse effect on Suisun song sparrow would be avoided and minimized through *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. In addition, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these effects on saltmarsh common yellowthroat. A variety of *CM11 Natural Communities Enhancement and Management* habitat management actions that are designed to enhance wildlife values in restored and protected tidal wetland habitats may result in localized ground disturbances that could temporarily remove small amounts of Suisun song sparrow and saltmarsh common yellowthroat habitat in CZ 11. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, are expected to have minor adverse effects on available species' habitat.

- Operations and Maintenance: Postconstruction operation and maintenance of the restoration infrastructure could result in ongoing but periodic disturbances that could affect Suisun song sparrow and saltmarsh common yellowthroat use of the surrounding habitat in Suisun. Maintenance activities could include vegetation management, and levee repair. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Construction-related activities could result in nest destruction or disturbance resulting in mortality of eggs and nestlings if restoration activities took place within the nesting period for these species. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would minimize these potential effects on Suisun song sparrow. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these effects on saltmarsh common yellowthroat. Grading, filling, contouring, and other initial ground-disturbing operations during restoration activities could temporarily fragment existing modeled tidal brackish emergent wetland habitat for Suisun song sparrow and saltmarsh common yellowthroat which could temporarily reduce the extent and functions of the affected habitat. These temporary effects would be minimized through sequencing of restoration activities and through *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* and Mitigation Measure BIO-75.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Under Alternative 4, there would be no impacts resulting from the construction of the water conveyance facilities (CM1). However, there would be a permanent loss of 1,040 acres of modeled secondary habitat for Suisun song sparrow and saltmarsh common yellowthroat in the study area in the near-term. In addition, 54 acres of primary habitat would be converted to secondary foraging habitat, and 58 acres of secondary habitat would be converted to mid to high marsh, which would provide primary nesting habitat for these species. Although there would be a temporal lag in these conversions, there would be no net loss of primary habitat in the near-term. These effects would result from implementing *CM4 Tidal Natural Communities Restoration* and would all occur in Suisun Marsh in CZ 11.

The typical NEPA and CEQA project-level mitigation ratio for those natural communities that would be affected and that are identified in the biological goals and objectives for Suisun song sparrow in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of tidal brackish emergent habitat. Using this ratio would indicate that 1,152 acres of tidal brackish emergent wetland should be restored/created to compensate for the near-term losses of Suisun song sparrow and saltmarsh common yellowthroat habitat.

The BDCP has committed to near-term goals of restoring 8,850 acres of tidal brackish emergent wetland and 4,800 acres of managed wetland in the study area. These conservation actions are associated with CM4 and CM3 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on Suisun song sparrow and saltmarsh common yellowthroat. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TBEWNC1.4). Portions of the 4,800 acres of managed wetland would benefit both the Suisun song sparrow and the saltmarsh common yellowthroat through the enhancement of degraded areas to provide dense native vegetation, which is required for nesting sites, song perches, and refuge from predators. Tidal wetlands would be restored in a mosaic of large, interconnected and biologically diverse patches. Larger and more interconnected patches of suitable habitat would be expected to reduce the effects of habitat fragmentation that currently exist in Suisun marsh in CZ 11. Nonnative predators would be controlled as needed to reduce nest predation and to help maintain species abundance (CM11). Restoration would be sequenced over the term of the Plan and occur in a manner that would minimize any temporary, initial loss and fragmentation of habitat. The acres of restoration and protection contained in the near-term Plan goals, and the incorporation of the additional measures in the biological goals and objectives (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP) would be sufficient to mitigate the near-term effects of tidal restoration.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention*

Plan, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The saltmarsh common yellowthroat is not a species that is covered under the BDCP. Although preconstruction surveys for Suisun song sparrow would likely also detect nesting saltmarsh common yellowthroat, in order to avoid adverse effects on individuals, preconstruction surveys for noncovered avian species would be required to ensure that saltmarsh common yellowthroat nests are detected and avoided. Mitigation Measure BIO-75 would be available to address adverse effects of construction activities on nesting saltmarsh common yellowthroat.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 3,722 acres of primary and 23,986 acres of secondary habitat for Suisun song sparrow and saltmarsh common yellowthroat. Alternative 4 as a whole would result in the permanent loss of 3,510 acres of habitat (15% of the total habitat in the study area) from the implementation of *CM4 Tidal Natural Communities Restoration*. Within this habitat loss, 55 acres of primary habitat would be converted to secondary foraging habitat, and 123 acres of secondary habitat would be converted to primary habitat.

The Plan includes a commitment through *CM4 Tidal Natural Communities Restoration* to restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 (Objective TBEWNC1.1) These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches, and at least 1,500 acres of restored marsh would consist of middle-and high-marsh vegetation with dense, tall stands of pickelweed and bulrush cover, serving as primary habitat for Suisun song sparrow and saltmarsh common yellowthroat (Objective TBEWNC1.2). In addition, grasslands adjacent to restored tidal brackish emergent wetlands would be protected or restored, to provide at least 200 feet of adjacent grasslands beyond the sea level rise accommodation. This adjacent upland habitat would provide high tide refugia during high tide events, after sea-level rise has converted the lower-level grasslands to tidal natural communities. Tidal wetlands would be restored in a mosaic of large, interconnected and biologically diverse patches. Larger and more interconnected patches of suitable habitat would be expected to reduce the effects of habitat fragmentation that currently exist in Suisun marsh in CZ 11. Nonnative predators would be controlled as needed to reduce nest predation and to help maintain species abundance (CM11). Restoration would be sequenced over the term of the Plan and occur in a manner that would minimize any temporary, initial loss and fragmentation of habitat.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 1,500 acres of primary habitat and 4,500 acres of secondary habitat in addition to the protection of 384 acres of secondary habitat for Suisun song sparrow, which would also benefit the saltmarsh common yellowthroat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention*

Plan, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

NEPA Effects: The loss of Suisun song sparrow and saltmarsh common yellowthroat habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM4, with the management and enhancement actions (CM11), and with the incorporation of additional measures in the biological goals and objectives, guided by AMM1–AMM7 and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss and potential mortality on Suisun song sparrow would not be adverse, and the effects of habitat loss and conversion on saltmarsh common yellowthroat would not be adverse under Alternative 4. The saltmarsh common yellowthroat is not a species that is covered under the BDCP. Although preconstruction surveys for Suisun song sparrow would likely also detect nesting saltmarsh common yellowthroat, for the BDCP to avoid adverse effects on individuals, preconstruction surveys for noncovered avian species would be required to ensure that saltmarsh common yellowthroat nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this adverse effect.

CEQA Conclusion:

Near-Term Timeframe

Under Alternative 4, there would be no impacts resulting from the construction of the water conveyance facilities (CM1). However, there would be a permanent loss of 1,040 acres of modeled secondary habitat for Suisun song sparrow and saltmarsh common yellowthroat in the study area in the near-term. In addition, 54 acres of primary habitat would be converted to secondary foraging habitat, and 58 acres of secondary habitat would be converted to mid to high marsh, which would provide primary nesting habitat for these species. Although there would be a temporal lag in these conversions, there would be no net loss of primary habitat in the near-term. These effects would result from implementing *CM4 Tidal Natural Communities Restoration* and would all occur in Suisun Marsh in CZ 11.

The typical NEPA and CEQA project-level mitigation ratio for those natural communities that would be affected and that are identified in the biological goals and objectives for Suisun song sparrow in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation of tidal brackish emergent habitat. Using this ratio would indicate that 1,152 acres of tidal brackish emergent wetland should be restored/created to mitigate the near-term losses of Suisun song sparrow and saltmarsh common yellowthroat habitat.

The BDCP has committed to near-term goals of restoring 8,850 acres of tidal brackish emergent wetland and 4,800 acres of managed wetland in the study area. These conservation actions are associated with CM4 and CM3 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on Suisun song sparrow and saltmarsh common yellowthroat. The tidal brackish emergent wetland would be restored in CZ 11 among the Western Suisun/Hill Slough Marsh Complex, the Suisun Slough/Cutoff Slough Marsh Complex, and the Nurse Slough/Denverton Marsh complex (Objective TBEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TBEWNC1.4). Portions of the 4,800 acres of managed wetland would benefit both the Suisun song sparrow and the saltmarsh common yellowthroat through the enhancement of degraded areas to provide dense native vegetation, which is required for nesting sites, song perches, and refuge from predators. Tidal wetlands would be restored in a mosaic of large, interconnected and biologically diverse patches. Larger and more interconnected patches of suitable habitat would be expected to reduce the effects of habitat fragmentation that currently exist in Suisun marsh in CZ 11. Nonnative predators would be controlled as needed to reduce nest predation and to help maintain species abundance (CM11). Restoration would be sequenced over the term of the Plan and occur in a manner that would minimize any temporary, initial loss and fragmentation of habitat. The acres of restoration and protection contained in the near-term Plan goals, and the incorporation of the additional measures in the biological goals and objectives (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP) would be sufficient to mitigate the near-term effects of tidal restoration.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The saltmarsh common yellowthroat is not a species that is covered under the BDCP. Although preconstruction surveys for Suisun song sparrow would likely also detect nesting saltmarsh common yellowthroat, in order to avoid adverse effects on individuals, preconstruction surveys for noncovered avian species would be required to ensure that saltmarsh common yellowthroat nests are detected and avoided. Mitigation Measure BIO-75 would reduce the impact of construction activities on nesting saltmarsh common yellowthroat to a less-than-significant level.

In the absence of other conservation actions, the effects on Suisun song sparrow and saltmarsh common yellowthroat would represent an adverse effect as a result of habitat modification and potential mortality of special-status species. Because the number of acres required to meet the typical mitigation ratio described above would be only 3,590 acres of restored/created tidal natural communities, the 6,000 acres of tidal brackish and tidal freshwater emergent wetland restoration and the 4,100 acres of managed wetland protection and enhancement contained in the near-term Plan goals, and the additional detail in the biological objectives for Suisun song sparrow, are more than sufficient to support the conclusion that the near-term impacts of habitat loss and direct mortality of Suisun song sparrow or saltmarsh common yellowthroat under Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 3,722 acres of primary and 23,986 acres of secondary habitat for Suisun song sparrow and saltmarsh common yellowthroat. Alternative 4 as a whole would result in the permanent loss of 3,510 acres of habitat (15% of the total habitat in the study area) from the implementation of *CM4 Tidal Natural Communities Restoration*. Within this habitat loss, 55 acres of primary habitat would be converted to secondary foraging habitat, and 123 acres of secondary habitat would be converted to primary habitat.

The Plan includes a commitment through *CM4 Tidal Natural Communities Restoration* to restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 (Objective TBEWNC1.1) These tidal wetlands would be restored as a mosaic of large, interconnected and biologically diverse patches, and at least 1,500 acres of restored marsh would consist of middle-and high-marsh vegetation with dense, tall stands of pickelweed and bulrush cover, serving as primary habitat for Suisun song sparrow and saltmarsh common yellowthroat (Objective TBEWNC1.2). In addition, grasslands adjacent to restored tidal brackish emergent wetlands would be protected or restored, to provide at least 200 feet of adjacent grasslands beyond the sea level rise accommodation. This adjacent upland habitat would provide high tide refugia during high tide events, after sea-level rise has converted the lower-level grasslands to tidal natural communities. Tidal wetlands would be restored in a mosaic of large, interconnected and biologically diverse patches. Larger and more interconnected patches of suitable habitat would be expected to reduce the effects of habitat fragmentation that currently exist in Suisun marsh in CZ 11. Nonnative predators would be controlled as needed to reduce nest predation and to help maintain species abundance (CM11). Restoration would be sequenced over the term of the Plan and occur in a manner that would minimize any temporary, initial loss and fragmentation of habitat.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 1,500 acres of primary habitat and 4,500 acres of secondary habitat in addition to the protection of 384 acres of secondary habitat for Suisun song sparrow, which would also benefit the saltmarsh common yellowthroat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The saltmarsh common yellowthroat is not a covered species under the BDCP. Although preconstruction surveys for Suisun song sparrow may detect nesting saltmarsh common yellowthroat, for the BDCP to have a less-than-significant impact on individuals, preconstruction surveys for noncovered avian species would be required to ensure that saltmarsh common yellowthroat nests are detected and avoided. Mitigation Measure BIO-75 would reduce this potential impact on nesting saltmarsh common yellowthroat to a less-than-significant level.

Considering Alternative 4's restoration provisions, which would replace low-value secondary habitat with high-value tidal brackish emergent habitat, including both foraging and primary habitat, and provide upland refugia for Suisun song sparrow and saltmarsh common yellowthroat, the acreages of restoration would be sufficient to mitigate habitats lost to construction and restoration activities. Loss of habitat or direct mortality through implementation of Alternative 4, with the implementation of AMM1–AMM7, AMM22, and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on Suisun song sparrow and saltmarsh common yellowthroat.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-81: Indirect Effects of Plan Implementation on Suisun Song Sparrow and Saltmarsh Common Yellowthroat

Indirect construction-related effects: If Suisun song sparrow or saltmarsh common yellowthroat were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. Suisun song sparrow and saltmarsh common yellowthroat habitat adjacent to restoration work areas could be affected by such disturbances, which could temporarily result in diminished use of habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect either species. If construction occurred during the nesting season, these indirect effects could result in the loss or abandonment of nests and mortality of any eggs and/or nestlings. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would avoid the potential for adverse effects of construction-related activities on survival and productivity of Suisun song sparrow and saltmarsh common yellowthroat by requiring preconstruction surveys and, if nests are present, the establishment of a no-disturbance buffer within 250 feet of a nest site. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect species in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on Suisun song sparrow and saltmarsh common yellowthroat. *AMM2 Construction Best Management Practices and Monitoring* would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and any adverse effects of dust on active nests.

Salinity: Water conveyance facilities operations would have an effect on salinity gradients in Suisun Marsh; however, these effects cannot be reasonably disaggregated from effects resulting from tidal habitat restoration. It is expected that the salinity of water in Suisun Marsh would generally increase as a result of water conveyance facilities operations and operations of salinity control gates to mimic a more natural water flow. This would likely encourage the establishment of tidal wetland plant communities tolerant of more saline environments, which should have a beneficial effect on Suisun song sparrow and saltmarsh common yellowthroat because their historical natural Suisun Marsh habitat is brackish tidal marsh. However, the degree to which salinity changes in all tidal channels and sloughs in and around Suisun Marsh would be highly variable.

Methylmercury Exposure: Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury~~ (see BDCP Chapter 3, *Conservation Strategy*, for details of restoration)~~. Although tidal habitat restoration might increase methylation of mercury export to other habitats, restoration is unlikely to significantly increase the exposure of Suisun song sparrow or saltmarsh common yellowthroat to methylmercury, as they currently reside in tidal marshes where elevated methylmercury levels exist. Robinson et al. (2011) found toxic levels of methylmercury levels in song sparrow populations from southern San Francisco Bay, although populations near Suisun Marsh (i.e., San Pablo and Simas Creeks) were much lower. The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. The Suisun Marsh Plan anticipates that restored tidal wetlands would generate less methylmercury than the existing managed wetlands to be restored (Bureau of Reclamation et al. 2010).

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS)~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas will be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~*CM12 Methylmercury Management* includes provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring, CM12 would be available to address the uncertainty of methylmercury levels resulting from restored tidal marsh in the study area.~~

***NEPA Effects*:** Noise and visual disturbances would not have an adverse effect on Suisun song sparrow with the implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects of noise and visual disturbance on saltmarsh common yellowthroat. AMM1–AMM7, including *AMM2*

Construction Best Management Practices and Monitoring, would minimize the likelihood of spills, and ensure that measures were in place to prevent runoff from the construction area and to avoid adverse effects of dust on the species.

Implementation of Operational Scenario A, including operation of salinity-control gates, and tidal habitat restoration would be expected to increase water salinity in Suisun Marsh, which would be expected to establish tidal marsh similar to historic conditions.

Tidal habitat restoration is unlikely to have a substantial impact on Suisun song sparrow and saltmarsh common yellowthroat through increased exposure to methylmercury, as these species currently reside in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on Suisun song sparrow and saltmarsh common yellowthroat.~~Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management*, would address the uncertainty of methylmercury levels in restored tidal marsh. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for these species, once site specific sampling and other information could be developed.~~

***CEQA Conclusion*:** Impacts of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would be less than significant with the implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and *AMM2 Construction Best Management Practices and Monitoring*.

Changes in salinity gradients would be expected to have a beneficial impact on Suisun song sparrow and saltmarsh common yellowthroat through the establishment of tidal marsh similar to historic conditions. The implementation of tidal natural communities restoration (CM4) is unlikely to substantially increase the exposure of Suisun song sparrow or saltmarsh common yellowthroat to methylmercury, as they currently reside in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to these species. Sites-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would better inform potential impacts and address the uncertainty of methylmercury levels in restored tidal marsh in the study area. With these additional avoidance and minimization measures, Mitigation Measure BIO-75, and *CM12 Methylmercury Management*, indirect effects of Alternative 4 implementation would have a less-than-significant impact on Suisun song sparrow and saltmarsh common yellowthroat.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-82: Effects on Suisun Song Sparrow and Saltmarsh Common Yellowthroat Associated with Electrical Transmission Facilities

The range of the Suisun song sparrow extends eastward into the study area to approximately Kimball Island. There are several reported occurrences from Kimball Island, Browns Island, and in the Suisun Marsh in the western portion of the study area. The easternmost range of the saltmarsh common yellowthroat also ends in Suisun Marsh. These species ranges, along with areas of suitable habitat, are far from the proposed transmission line routes (BDCP Attachment 5.J-2*, Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Location of the current populations, species ranges, and suitable habitat in the study area make collision with the proposed transmission lines highly unlikely. Therefore the construction and presence of new transmission lines would not have an adverse effect on Suisun song sparrow and saltmarsh common yellowthroat.

NEPA Effects: The construction and presence of new transmission lines would not have an adverse effect on Suisun song sparrow and saltmarsh common yellowthroat because the location of the current populations, species ranges, and suitable habitat for the species make collision with the proposed transmission lines highly unlikely.

CEQA Conclusion: The construction and presence of new transmission lines would not be expected to have an adverse effect on Suisun song sparrow and saltmarsh common yellowthroat because the location of the current populations, species ranges, and suitable habitat for the species make collision with the proposed transmission lines highly unlikely. Therefore, the construction and presence of new transmission lines under Alternative 4 would have a less-than-significant impact on Suisun song sparrow and saltmarsh common yellowthroat., ~~because the location of the current populations, species ranges, and suitable habitat for the species make collision with the proposed transmission lines highly unlikely.~~

Swainson's Hawk

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on Swainson's hawk. The habitat model used to assess impacts on Swainson's hawk includes plant alliances and land cover types associated with Swainson's hawk nesting and foraging habitat. Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of Swainson's hawk modeled habitat as indicated in Table 12-4-35. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Although protection and restoration for the loss of nesting and foraging habitat would be initiated in the same timeframe as the losses, it could take one or more decades (for nesting habitat) for restored habitats to replace the functions of habitat lost. This time lag between impacts and restoration of habitat function would be minimized through specific requirements of *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~*, including transplanting mature trees in the near-term time period. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the Swainson's hawk (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7)

- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Plant and maintain native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SH2.1, associated with CM11).
- Establish 20- to 30- foot-wide hedgerows along fields and roadsides to promote prey populations throughout protected cultivated lands (Objective SH2.2, associated with CM11).
- Increase prey abundance and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).
- Conserve at least 1 acre of Swainson's hawk foraging habitat for each acre of lost foraging habitat (Objective SH1.1, associated with CM3 and CM11).
- Protect at least 42,275 acres of cultivated lands as Swainson's hawk foraging habitat with at least 50% in very high-value habitat in CZs 2, 3, 4, 5, 7, 8, 9, and 11 (Objective SH1.2, associated with CM3 and CM11).
- Of the at least 42,275 acres of cultivated lands protected as Swainson's hawk foraging habitat under Objective SH1.2, up to 1,500 acres can occur in CZs 5 and 6, and must have land surface elevations greater than −1 foot NAVD88 (Objective SH1.3, associated with CM3).
- Protect at least 10,750 acres of grassland, vernal pool, and alkali seasonal wetland as Swainson's hawk foraging habitat (Objective SH1.4, associated with CM3).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands within the reserve system including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for the species and implementation of AMM1–AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities*, and *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ to minimize potential effects, impacts on Swainson's hawk would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-35. Changes in Swainson's Hawk Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	Nesting	20	20	13	13	NA	NA
	Foraging	3,~~435~~415	3,~~435~~415	1,178	1,178	NA	NA
Total Impacts CM1		**3,~~455~~435**	**3,~~455~~435**	**1,191**	**1,191**		
CM2–CM18	Nesting	252	412	54	85	41–70	189
	Foraging	8,903	48,511	504	1,540	3,025–6,635	8,008
Total Impacts CM2-CM18		**9,155**	**48,923**	**558**	**1,625**	**3,066-6,705**	**8,197**
Total Nesting		**272**	**432**	**67**	**98**		
Total Foraging		**12,338**	**51,~~946~~926**	**1,682**	**2,718**		
TOTAL IMPACTS		**12,610**	**52,~~378~~358**	**1,749**	**2,816**	**3,066-6,705**	**8,197**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-83: Loss or Conversion of Habitat for and Direct Mortality of Swainson's Hawk

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~56~~55,~~215~~ 174 acres of modeled habitat (~~533~~ 530 acres of nesting habitat and ~~55~~54,~~682~~ 644 acres of foraging habitat) for Swainson's hawk (Table 12-4-35). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration, (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), and construction of conservation hatcheries (CM18). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could affect Swainson's hawk modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities ~~and Operation~~Construction*: Construction of Alternative 4 water conveyance facilities would result in the combined permanent and temporary loss of up to ~~36~~ 33 acres of Swainson's hawk nesting habitat (~~18~~ 20 acres of permanent loss habitat and ~~18~~ 13 acres of temporary loss). In addition, ~~5,631~~4,593 acres of foraging habitat would be removed (~~4,335~~3,415 acres of permanent loss, 1,~~296~~ 178 acres of temporary loss; Table 12-4-35). Activities that would impact modeled Swainson's hawk habitat consist of tunnel, forebay, and intake construction, temporary access roads, and construction of transmission lines. Most of the permanent loss of nesting habitat would occur where Intakes 2, 3, and 5 impact the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees. Some nesting habitat would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Permanent losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of nesting habitat would occur ~~where pipelines cross~~from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough ~~and other small waterways east of the Sacramento River,~~ and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation. There are at least 12 occurrences of nesting Swainson's hawk that overlap with the construction footprint of CM1, primarily from the construction of intakes 2, 3, and 5, and the construction footprint for the permanent and temporary transmission lines. The implementation of *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ (see Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~BDCP Appendix 3.C, *Avoidance and Minimization* ~~*Measures*~~) would minimize the effects of construction on nesting Swainson's hawks if present in the area. Impacts on foraging habitat would occur throughout the central Delta in CZs 3- 6, and CZ 8. Permanent foraging habitat impacts would include ~~908~~ 883 acres of very high-value habitat (Table 12-4-36). Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

Table 12-4-36. Acres of Impacted Foraging Habitat by Value Classes for Swainson's Hawk

Foraging Habitat Value Class	Cultivated Land and Other Land Cover Types	CM1 Permanent (temporary)	CM2-18 permanent (temporary)
Very high	Alfalfa hay	~~908~~ 883 (~~120~~174)	12,002 (345)
Moderate	Irrigated pasture, other hay crops	1,~~188~~ 456 (~~705~~529)	24,865 (642)
Low	Other irrigated field and truck/berry crops	~~86~~ 92 (~~100~~67)	5,911 (313)
Very low	Safflower, sunflower, corn, grain sorghum	~~2,152~~986 (~~371~~408)	5,732 (241)

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 133 acres of nesting habitat (79 acres of permanent loss, 54 acres of temporary loss) in the Yolo Bypass in CZ 2. In addition, 1,500 acres of foraging habitat would be removed (996 acres of permanent loss, 554 acres of temporary loss). Activities through CM2 could involve excavation and grading in valley/foothill riparian areas to improve passage of fish through the bypasses. Most of the riparian losses would occur at the north end of Yolo Bypass where major fish passage improvements are planned. Excavation to improve water movement in the Toe Drain and in the Sacramento Weir would also remove Swainson's hawk habitat. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 295 acres of Swainson's hawk nesting habitat and 37,359 acres of foraging habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh. Impacts on foraging habitat from CM4 would consist of 10,757 acres of very high-value (alfalfa), 18,565 acres of moderate-value, and 4,098 acres of low-value habitat (See Table 12-4-36 for land cover types classified by habitat value). Because the species is highly mobile and wide-ranging, habitat fragmentation is not expected to reduce the use of remaining cultivated lands or preclude access to surrounding lands. However, the conversion of cultivated lands to tidal wetlands over fairly broad areas within the tidal restoration footprints could result in the removal or abandonment of nesting territories that occur within or adjacent to the restoration areas. Trees would not be actively removed but tree mortality would be expected over time as areas became tidally inundated. Depending on the extent and value of remaining habitat, this could reduce the local nesting population. There are at least 27 Swainson's hawk nest sites that overlap with the hypothetical restoration areas for CM4, suggesting that numerous nest sites could be directly affected by inundation from tidal restoration activities.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain and riparian restoration actions would remove approximately 69 acres of Swainson's hawk nesting habitat (38 acres of permanent loss, 31 acres of temporary loss) and 2,856 acres of foraging habitat (1,820 acres of permanent loss, 1,036 acres of temporary loss). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration*: Riparian restoration would permanently remove approximately 953 acres of Swainson's hawk foraging habitat as part of tidal restoration and 3,991 acres as part of seasonal floodplain restoration through CM7. There are at least 27 Swainson's hawk nest sites that overlap with the hypothetical restoration areas for CM7.

- *CM8 Grassland Natural Community Restoration*: Restoration of grassland is expected to be implemented on agricultural lands and would result in the conversion of 1,849 acres of Swainson's hawk agricultural foraging habitat to grassland foraging habitat in CZs 1, 2, 4, 5, 7, 8, and 11. If agricultural lands supporting higher value foraging habitat than the restored grassland were removed, there would be a loss of Swainson's hawk foraging habitat value.

- *CM10 Nontidal Marsh Restoration*: Restoration and creation of nontidal freshwater marsh would result in the permanent removal of 1,440 acres of Swainson's hawk foraging habitat in CZ 2 and

CZ 4. Small patches of riparian vegetation that support Swainson's hawk nesting habitat may develop along the margins of restored nontidal marsh if appropriate site conditions are present.

- *CM11 Natural Communities Enhancement and Management:* Habitat management- and enhancement-related activities could disturb Swainson's hawk nests if they were present near work sites. A variety of habitat management actions that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of Swainson's hawk habitat and reduce the functions of habitat until restoration is complete. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available Swainson's hawk habitat and are expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, *AMM18 Swainson's Hawk* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of Swainson's hawk grassland foraging habitat would be lost from the construction of trails and facilities.

CM18 Conservation Hatcheries: Implementation of CM18 would remove up to 35 acres of Swainson's hawk foraging habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1. The loss is expected to occur during the first 10 years of Plan implementation.

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- ~~P~~Permanent and temporary nesting habitat losses from the above conservation measures, would primarily consist of small, fragmented riparian stands. Temporarily affected nesting habitat would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. The restored riparian habitat would require 1 to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by Swainson's hawks. *AMM18 Swainson's Hawk* ~~and White-Tailed Kite~~ contains actions described below to reduce the effect of temporal loss of nesting habitat, including the transplanting of mature trees and planting of trees near high-value foraging habitat. The functions of cultivated lands and grassland communities that provide foraging habitat for Swainson's hawk are expected to be restored relatively quickly (within 10-14 years of Alternative 4 implementation).

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect Swainson's hawk use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7 and *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ in addition to conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged Swainson's hawk if they were present in the study area,

> because they would be expected to avoid contact with construction and other equipment. However, if Swainson's hawk were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could affect nests or lead to their abandonment, potentially resulting in mortality of eggs and nestlings. These effects would be avoided and minimized with the incorporation of *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~* into the BDCP.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effect of construction would not be adverse under NEPA. Alternative 4 would remove ~~342~~ 339 acres (~~270~~ 272 permanent, ~~72~~ 67 temporary) of Swainson's hawk nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~36~~ 33 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration*—306 acres). In addition, ~~15,038~~14,020 acres of Swainson's hawk foraging habitat would be removed or converted in the near-term (CM1, ~~5,631~~5,153 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—9,407 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected and those that are identified in the biological goals and objectives for Swainson's hawk in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for nesting habitat, and 1:1 protection for foraging habitat. Using these ratios would indicate that ~~36~~ 33 acres of nesting habitat should be restored/ created and ~~36~~ 33 acres should be protected to compensate for the CM1 losses of Swainson's hawk nesting habitat. In addition, ~~5,631~~5,153 acres of foraging habitat should be protected to mitigate the CM1 losses of Swainson's hawk foraging habitat. The near-term effects of other conservation actions would remove 306 acres of modeled nesting habitat, and therefore require 306 acres of restoration and 306 acres of protection of nesting habitat. Similarly, the near-term effects of other conservation actions would remove 9,407 acres of modeled foraging habitat, and therefore require 9,407 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of nesting habitat; 1:1 protection for the loss of foraging habitat).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of*

Alternatives, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM5, CM7, and CM8, and would occur in the same timeframe as the construction and early restoration losses.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. The distribution and abundance of potential Swainson's hawk nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat for Swainson's hawk associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for Swainson's hawk and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for Swainson's hawks as prey species recolonize the fields (Objective MWNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1) A minimum of 87% of cultivated lands protected by the late long-term time period would be in very high- and high-value crop types for Swainson's hawk (Objective SH1.2). This biological objective provides an estimate for the proportion of cultivated lands protected in the near-term time period which would provide high-value habitat for Swainson's hawk. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Swainson's hawk foraging habitat, as well as mitigate the near-term effects of the other conservation measures.

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on Swainson's hawk nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by Swainson's hawks. This time lag between the removal and restoration of nesting habitat could have a substantial impact on Swainson's hawk in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active Swainson's hawk nests within the study area until restored riparian habitat is sufficiently developed.

AMM18 Swainson's Hawk ~~and White-Tailed Kite~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least 5 trees (five gallon container size) would be planted within the BDCP reserve system for every tree anticipated to be removed by construction during the near-term period that was suitable for nesting by Swainson's hawks (20 feet or taller). A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in areas that support high value foraging habitat in clumps of at least 3 trees each at appropriate sites within or adjacent to conserved cultivated lands, or they could be incorporated as a component of the riparian restoration (CM5, CM7) where they are in close proximity to suitable foraging habitat. Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the lands protected as foraging habitat for Swainson's hawk.

To enhance Swainson's hawk and reproductive output until the replacement nest trees become suitable for nesting, 100 acres of high-quality foraging habitat (alfalfa rotation) would be protected in the near-term for each potential nest site removed (a nest site is defined as a 125-acre block in which more than 50% of nest trees are 20 feet or greater in height) as a result of construction activity during the near-term. The foraging habitat to be protected would be within 6 kilometers of the removed tree within an otherwise suitable foraging landscape and on land not subject to threat of seasonal flooding, construction disturbances, or other conditions that would reduce the foraging value of the land. With this program in place, Alternative 4 would not have a substantial adverse effect on Swainson's hawk in the near-term timeframe, either through direct mortality or through habitat modifications.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The study area supports approximately 9,796 acres of modeled nesting habitat and 477,879 acres of modeled foraging habitat for Swainson's hawk. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~533~~ 530 acres of potential nesting habitat (5% of the potential nesting habitat in the study area) and ~~55,682~~55,194 acres of foraging habitat (12% of the foraging habitat in the study area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration, and CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. The distribution and abundance of potential Swainson's hawk nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SH2.1). In addition, small but essential nesting habitat for Swainson's hawk associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for Swainson's hawk and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SH2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for Swainson's hawks as prey species recolonize the fields (Objective MWNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. Foraging habitat would be conserved at a ratio of 1:1 (Objective SH1.1) and at least 42,275 acres of cultivated lands that provide Swainson's hawk foraging habitat would be protected by the late long-term, 50% of which would be in very high-value habitat production in CZs 1–4, 7–9, and 11 (Objective SH1.2).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, ~~and~~ *AMM7 Barge Operations Plan*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

***NEPA Effects*:** The loss of Swainson's hawk habitat and potential direct mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. With habitat protection and restoration associated with CM3, CM5, CM7, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss and potential mortality on Swainson's hawk under Alternative 4 would not be adverse.

***CEQA Conclusion*:**

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effect of construction would be less than significant under CEQA. Alternative 4 would remove ~~342~~ 339 acres (~~270~~ 272 permanent, ~~72~~ 67 temporary) of Swainson's hawk nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~36~~ 33 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration*—306 acres). In addition, ~~15,038~~14,020 acres of Swainson's hawk foraging habitat would be removed or converted in the near-term (CM1, ~~5,631~~5,153 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—9,407 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected and those that are identified in the biological goals and objectives for Swainson's hawk in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for nesting habitat, and 1:1 protection for foraging habitat. Using these ratios would indicate that ~~36~~ 33 acres of nesting habitat should be restored/ created and ~~36~~ 33 acres should be protected to mitigate the CM1 losses of Swainson's hawk nesting habitat. In addition, ~~5,631~~5,153 acres of foraging habitat should be protected to mitigate the CM1 losses of Swainson's hawk foraging habitat. The near-term effects of other conservation actions would remove 306 acres of modeled nesting habitat, and therefore require 306 acres of restoration and 306 acres of protection of nesting habitat. Similarly, the near-term effects of other conservation actions would remove 9,407 acres of modeled foraging habitat, and therefore require 9,407 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 restoration and 1:1 protection for the loss of nesting habitat; 1:1 protection for the loss of foraging habitat).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of*

Alternatives, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM5, CM7, and CM8, and would occur in the same timeframe as the construction and early restoration losses.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. The distribution and abundance of potential Swainson's hawk nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat for Swainson's hawk associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for Swainson's hawk and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for Swainson's hawks as prey species recolonize the fields (Objective MWNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1) A minimum of 87% of cultivated lands protected by the late long-term time period would be in very high- and high-value crop types for Swainson's hawk (Objective SH1.2). This biological objective provides an estimate for the proportion of cultivated lands protected in the near-term time period which would provide high-value habitat for Swainson's hawk. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Swainson's hawk foraging habitat, as well as mitigate the near-term effects of the other conservation measures.

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on Swainson's hawk nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by Swainson's hawks. This time lag between the removal and restoration of nesting habitat could have a substantial impact on Swainson's hawk in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active Swainson's hawk within the study area until restored riparian habitat is sufficiently developed.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

AMM18 Swainson's Hawk ~~*and White-Tailed Kite*~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree anticipated to be removed by construction during the near-term period that was suitable for nesting by Swainson's hawks (20 feet or taller). A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in areas that support high value foraging habitat in clumps of at least three trees each at appropriate sites within or adjacent to conserved cultivated lands, or they may be incorporated as a component of the riparian restoration (CM5, CM7) where they are in close proximity to suitable foraging habitat. Replacement trees that are incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the lands protected as foraging habitat for Swainson's hawk.

To enhance Swainson's hawk reproductive output until the replacement nest trees become suitable for nesting, 100 acres of high-quality foraging habitat (alfalfa rotation) would be protected in the near-term for each potential nest site removed (a nest site is defined as a 125-acre block in which more than 50% of nest trees are 20 feet or greater in height) as a result of construction activity during the near-term. The foraging habitat to be protected would be within 6 kilometers of the removed tree within an otherwise suitable foraging landscape and on land not subject to threat of seasonal flooding, construction disturbances, or other conditions that would reduce the foraging value of the land. With this program in place, Alternative 4 would not have a substantial adverse effect on Swainson's hawk in the near-term timeframe, either through direct mortality or through habitat modifications. Therefore, Alternative 4 would have a less-than-significant impact on Swainson's hawks.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 9,796 acres of modeled nesting habitat and 477,879 acres of modeled foraging habitat for Swainson's hawk. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~533~~ 530 acres of potential nesting habitat (5% of the potential nesting habitat in the study area) and 55,~~682~~ 194 acres of foraging habitat (12% of the foraging habitat in the study area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration,* and *CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. The distribution and abundance of potential Swainson's hawk nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SH2.1). In addition, small but essential nesting habitat for Swainson's hawk associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for Swainson's hawk and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SH2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for Swainson's hawks as prey species recolonize the fields (Objective MWNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. Foraging habitat would be conserved at a ratio of 1:1 (Objective SH1.1) and at least 42,275 acres of cultivated lands that provide Swainson's hawk foraging habitat would be protected by the late long-term, 50% of which would be in very high-value habitat production in CZs 1-4, 7- 9, and 11 (Objective SH1.2).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on Swainson's hawk habitat from Alterative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special status species; however, considering ~~Considering~~ Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for the time lag of restoring riparian and foraging habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk*~~*and White-Tailed Kite*~~, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on Swainson's hawk.

Impact BIO-84: Effects on Swainson's Hawk Associated with Electrical Transmission Facilities

New transmission lines would increase the risk that Swainson's hawks could be subject to power line strikes, which could result in injury or mortality of Swainson's hawks. This species would be at low risk of bird strike mortality based on factors assessed in the bird strike vulnerability analysis (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Factors analyzed include the height of the new transmission lines and the flight behavior of the species. The existing network of transmission lines in the study area currently poses the same small risk for Swainson's hawk, and any incremental risk associated with the new power line corridors would also be expected to be low. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new project transmission lines would be fitted with flight diverters. Bird flight diverters would make transmission lines highly visible to Swainson's hawks and would further reduce any potential for powerline collisions.~~*AMM20 Greater Sandhill Crane* would further reduce any potential effects.~~

NEPA Effects: New transmission lines would minimally increase the risk for Swainson's hawk power line strikes. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would not result in an adverse effect on Swainson's hawk.~~With the implementation of *AMM20 Greater Sandhill Crane* the potential effect of the construction of new transmission lines on Swainson's hawk would not be adverse.~~

CEQA Conclusion: New transmission lines would minimally increase the risk for Swainson's hawk power line strikes. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%.By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would result in a less-than-significant impact on Swainson's hawk.~~*AMM20 Greater Sandhill Crane* would reduce the potential impact of the construction of new transmission lines on Swainson's hawk to a less-than-significant level.~~

Impact BIO-85: Indirect Effects of Plan Implementation on Swainson's Hawk

Noise and visual disturbances from the construction of water conveyance facilities and other conservation measures could reduce Swainson's hawk use of modeled habitat adjacent to work areas. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect Swainson's hawk. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect Swainson's hawk use of the surrounding habitat. These construction activities would include water conveyance construction, tidal restoration activities, floodplain restoration, and Fremont Weir/Yolo Bypass Enhancements. Swainson's hawks are seasonally abundant across much of the study area wherever adequate nest trees occur within a cultivated landscape that supports suitable foraging habitat. There would be a potential for noise and visual disturbances associated with BDCP actions to temporarily displace Swainson's hawks and temporarily reduce the use of suitable habitat adjacent to construction areas. These adverse effects would be minimized with the implementation of *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect Swainson's hawk foraging in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on these species. *AMM2 Construction Best Management Practices and Monitoring* would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on habitat.

NEPA Effects: Noise and visual disturbances from the construction of water conveyance facilities could reduce Swainson's hawk use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect Swainson's hawk use of the surrounding habitat. Noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would not have an adverse effect on Swainson's hawk with the implementation of AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~.

CEQA Conclusion: Noise and visual disturbances from the construction of water conveyance facilities could reduce Swainson's hawk use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect Swainson's hawk use of the surrounding habitat. The effects of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would result in a less-than-significant impact on Swainson's hawk with the implementation of AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~*.

Impact BIO-86: Periodic Effects of Inundation of Swainson's Hawk Nesting and Foraging Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 3,066–6,706 acres of modeled Swainson's hawk habitat (consisting of approximately 41–70 acres of nesting habitat and 3,025–6,635 acres of foraging habitat; Table 12-4-35). However, project-associated inundation of areas that would not otherwise have been inundated would be expected to occur in no more than 30% of all years, since Fremont Weir is expected to overtop the remaining estimated 70% of all years, and during those years notch operations would not typically affect the maximum extent of inundation. In more than half of all years under Existing Conditions, an area greater than the project-related inundation area already inundates in the bypass. Therefore, habitat conditions in the bypass would not be expected to change substantially as a result of Yolo Bypass operations. However, increased duration of inundation during years of Fremont Weir operation, may delay the period for which foraging habitat is available to Swainson's hawks by up to several weeks.

Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 8,197 acres of modeled Swainson's hawk habitat (Table 12-4-35), consisting of 189 acres of nesting and 8,008 acres of foraging habitat. Floodplain restoration would be expected to restore a more natural flood regime and sustain riparian vegetation types that support regeneration of Swainson's hawk nesting habitat. The restored floodplains would transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more). Foraging habitat that is inundated after Swainson's hawks arrive in the Central Valley in mid-March could result in a periodic loss of available foraging habitat due to the reduction in available prey. Inundated habitats would be expected to recover following draw-down and provide suitable foraging conditions until the following inundation period. Thus, this is considered a periodic and short term effect that is unlikely to affect Swainson's hawk distribution and abundance, or foraging use of the study area.

***NEPA Effects*:** Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Although foraging habitat would be periodically unavailable to Swainson's hawk, inundated habitats are expected to recover following draw down. This would be considered a short-term effect that would not result in an adverse effect on Swainson's hawk.

***CEQA Conclusion*:** Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Although foraging habitat would be periodically unavailable to Swainson's hawk, inundated habitats are expected to recover following draw down. This would be considered a short-term effect that would have a less-than-significant impact on Swainson's hawk.

Tricolored Blackbird

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on tricolored blackbird. The habitat model used to assess effects for tricolored blackbird is based on breeding habitat and nonbreeding habitat. Although nesting colonies have been documented along the fringe of Suisun Marsh, in the Yolo Bypass, ~~and~~ along the southwestern perimeter of the study area, and in the southeast corner of the study area near the San Joaquin River, breeding colonies are uncommon in the study area. Modeled breeding habitat includes bulrush/cattail wetlands and shrub communities that may provide suitable nesting substrate, and adjacent high-value foraging areas that occur within 5 miles of nesting colonies documented in the study area. The nesting component consists of nontidal freshwater perennial emergent marsh, and valley foothill riparian natural communities that occur within 5 miles of breeding colonies documented between 1998 and 2012. The foraging component includes cultivated lands and noncultivated land cover types known to support abundant insect populations such as grasslands, pasturelands (including alfalfa), natural seasonal wetlands, and sunflower croplands. The Delta is recognized as a major wintering area for tricolored blackbird (Hamilton 2004, Beedy 2008). Modeled nonbreeding habitat includes emergent wetlands and shrub stands that provide suitable roosting habitat, as well as cultivated lands and noncultivated lands that provide foods sought by tricolored blackbirds during the winter. Outside of the breeding season, tricolored blackbirds are primarily granivores that forage opportunistically across the study area in grasslands, pasturelands, croplands, dairies, and livestock feed lots. Factors considered in assessing the value of affected habitat for the tricolored blackbird, include patch size, suitability of vegetation, and proximity to recorded occurrences.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of tricolored blackbird modeled breeding and nonbreeding habitat as indicated in Table 12-4-37. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the tricolored blackbird (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect and manage at least 50 acres of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat located within 5 miles of high-value foraging habitat in CZs 1, 2, 8, or 11. (Objective TRBL1.1).
- Protect at least 26,300 acres of moderate-, high-, or very high-value cultivated lands as nonbreeding foraging habitat, 50% of which is of high or very high value (Objective TRBL1.2).
- Protect at least 11,050 acres of high- to very high-value breeding-foraging habitat within 5 miles of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat in CZs 1, 2, 3, 4, 7, 8, or 11. At least 1,000 acres of this protected breeding-foraging habitat will be within 5 miles of the 50 acres of nesting habitat protected under Objective TRBL1.1 (Objective TRBL1.3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands within the reserve system including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).
- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).

- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Increase prey abundance and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance these natural communities for the species and implementation of AMM1–AMM7 and *AMM21 Tricolored Blackbird,* impacts on tricolored blackbird would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-37. Changes to Tricolored Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type		Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	Breeding	Nesting	16	16	4	4	NA	NA
		Foraging - cultivated	1,430	1,430	190	190	NA	NA
		Foraging- noncultivated	311	311	92	92	NA	NA
	Nonbreeding	Roosting	10	10	31	31	NA	NA
		Foraging - cultivated	1,088	1,088	543	543	NA	NA
		Foraging - noncultivated	198	198	57	57	NA	NA
Total Impacts CM1			**3,053**	**3,053**	**917**	**917**		
CM2–CM18	Breeding	Nesting	13	72	75	77	11-26	30
		Foraging- cultivated	1,657	9,525	84	359	1,837-2,598	2,124
		Foraging noncultivated	704	1,991	155	184	600-1,689	355
	Nonbreeding	Roosting	570	1,642	0	1	0-4	29
		Foraging - cultivated	3,747	23,955	54	420	222-1,057	2,506
		Foraging - noncultivated	459	1,341	0	3	42-191	158
Total Impacts CM2–CM18			**7,150**	**38,526**	**368**	**1,044**	**2,711**	**5,766**
Total Breeding			**4,131**	**13,345**	**600**	**906**	**2,447-4,312**	**2,509**
Total Nonbreeding			**6,072**	**28,234**	**685**	**1,055**	**263-1,252**	**2,694**
TOTAL IMPACTS			**10,203**	**41,579**	**1,285**	**1,961**	**2,711**	**5,766**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5

50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-87: Loss or Conversion of Habitat for and Direct Mortality of Tricolored Blackbird

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~44,795~~43,540 acres of modeled habitat (14,~~200~~ 251 acres of breeding habitat and up to ~~30,595~~29,289 acres of nonbreeding habitat) for tricolored blackbird (Table 12-4-37). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration (CM7), grassland restoration (CM8), marsh restoration (CM10), and construction of conservation hatcheries (CM18). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate tricolored blackbird habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction*~~and Operation~~: Construction of Alternative 4 conveyance facilities would result in the permanent loss of 1,~~646~~ 757 acres of tricolored blackbird breeding habitat (~~4~~ 16 acres nesting habitat, 1,~~429~~ 430 acres of cultivated lands, and ~~213~~ 311 acres of noncultivated lands suitable for foraging) and ~~2,592~~1,296 acres of nonbreeding habitat (~~19~~ 10 acres roosting habitat, ~~2,327~~1,088 acres of cultivated lands, and ~~245~~ 198 acres of noncultivated lands suitable for foraging, Table 12-4-37). Approximately ~~847~~ 771 of the 1,~~646~~ 757 acres permanently impacted would be lost as reusable tunnel material storage areas, which would likely be moved to other sites for use in levee build-up and restoration, and the affected area would likely be restored. ~~While t~~This effect is categorized as permanent because there is no assurance that the material would eventually be moved.~~, the effect would likely be temporary.~~ ~~I~~In addition, CM1 would result in the temporary removal of ~~692~~ 631 acres of breeding habitat (~~3~~ 4 acres nesting habitat, ~~229~~ 190 acres of cultivated lands, and ~~114~~ 92 acres of noncultivated lands suitable for foraging) and ~~642~~ 631 acres of nonbreeding habitat (~~20~~ 31 acres roosting habitat, ~~575~~ 543 acres of cultivated lands, and ~~47~~ 57 acres of noncultivated lands suitable for foraging, Table 12-4-37).

  Most of the habitat that would be lost is located in the central Delta, from CZs 3-6 and CZ 8. There are no occurrences of tricolored blackbird that overlap with the construction footprint for CM1. However, records exist throughout the study area. *AMM21 Tricolored Blackbird* (Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) would minimize the effects of construction on nesting tricolored blackbirds if present in the area. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the ~~first 10 years~~near-term timeframe of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction activity associated with fisheries improvements in the Yolo Bypass would permanent loss of 595 acres of tricolored blackbird breeding habitat (13 acres nesting habitat, 477 acres of cultivated lands, and 105 acres of noncultivated lands suitable for foraging) and 8 acres of nonbreeding habitat (consisting entirely of roosting habitat). In addition, CM2 construction would result in the temporary removal of 314 acres of breeding habitat (75 acres nesting habitat, 84 acres of cultivated lands, and 155 acres of noncultivated lands suitable for foraging) and 54 acres of nonbreeding habitat (consisting entirely of cultivated lands). The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal natural communities restoration would result in the inundation of approximately 3,937 acres of tricolored blackbird breeding habitat (21 acres of nesting, 2,814 acres of cultivated lands, and 1,102 acres of noncultivated lands suitable for foraging) and 10,794 acres of nonbreeding habitat (1,633 acres of roosting, 18,489 acres of cultivated lands, and 672 acres of noncultivated lands suitable for foraging). An estimated 13,692 acres of the 28,424 acres to be permanently lost would be expected to convert to tidal emergent wetland communities that could provide nonbreeding season roosting habitat for tricolored blackbirds, depending on future vegetation density and composition. Conversion would result in the loss of an estimated 4,316 acres of tricolored blackbird breeding habitat (34 acres of nesting habitat; plus 3,635 acres of cultivated lands and 647 acres of noncultivated habitats suitable for foraging) and 9,375 acres of nonbreeding habitat (8,716 acres of cultivated lands and 659 acres of noncultivated habitats suitable for foraging). These habitat losses and conversions would occur in CZs 1, 2, 4, 5, 6, 7, 8, and 11. Although considered to be a permanent loss, due to the uncertainty of the quantity of restored suitable habitat, any areas that develop into riparian scrub-shrub could provide suitable nesting and roosting habitat for tricolored blackbird.

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction and riparian restoration associated with floodplain restoration in the south Delta (CZ 7) would result in the permanent removal of up to 554 acres of tricolored blackbird breeding habitat (4 acres of nesting habitat, 503 acres of cultivated lands, and 47 acres of noncultivated habitats suitable for foraging) and 656 acres of nonbreeding habitat (1 acre of roosting habitat, 652 acres of cultivated lands, and 3 acres of noncultivated habitats suitable for foraging) in CZ 7. Patches of riparian scrub associated with the restoration of approximately 1,000 acres of valley/foothill riparian habitat managed as early- to mid-successional habitats (as a component of CM5) could provide suitable nesting, roosting or foraging habitat for tricolored blackbird once these restored habitats have developed habitat functions for the species.

- *CM8 Grassland Natural Community Restoration*: Restoration of grassland would result in the permanent removal of 1,521 acres of tricolored breeding habitat and 210 acres of nonbreeding habitat. Grassland restoration would be implemented on cultivated lands and would therefore result in the conversion of tricolored blackbird cultivated foraging habitat to high-value grassland foraging habitat in CZs 2, 4, and 5.

- *CM10 Nontidal Marsh Restoration*: Marsh restoration activities would result in the permanent removal or conversion of approximately 568 acres of tricolored blackbird breeding habitat and

945 acres of nonbreeding habitat (all cultivated lands suitable for foraging). About two-thirds of the restored nontidal marsh would be open water, and the remainder would support emergent wetland vegetation that could provide ~~low-value~~ roosting habitat for tricolored blackbird depending on vegetation density and composition.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions that are designed to enhance wildlife values in BDCP-protected habitats could result in localized ground disturbances that could temporarily remove small amounts of tricolored blackbird habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, would be expected to have minor effects on available tricolored blackbird habitat and are expected to result in overall improvements to and maintenance of tricolored blackbird habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). Trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. Surveys would be conducted under *AMM21 Tricolored Blackbird* to ensure that areas identified for recreational development did not contain active breeding or foraging tricolored blackbirds (Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP). However, approximately 43.5 acres of breeding habitat and 6.5 acres of nonbreeding habitat (all grassland suitable for foraging) would be lost as a result of construction of trails and facilities. Impacts from recreational-related facilities that would occur within the first 10 years of Alternative 4 implementation would include a loss of 13 acres of breeding habitat.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of tricolored blackbird grassland foraging habitat in CZ 1.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect tricolored blackbird use of the surrounding habitat in or adjacent to work areas. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Operation of construction equipment may cause injury to or mortality of tricolored blackbirds. Risk would be greatest to eggs and nestlings susceptible to land clearing activities, nest abandonment, or increased exposure to the elements or to predators. Injury to or mortality of adults and fledged juveniles would not be expected as individuals would be expected to avoid contact with construction equipment. Construction activities could temporarily fragment existing tricolored blackbird habitat during grading, filling, contouring, and other initial ground-disturbing operations that could temporarily reduce the extent and functions supported by the affected habitat. To the maximum extent practicable, construction activity will be avoided up to 1,300 feet, but not less than a minimum of ~~250~~ 300 feet, from an active tricolored blackbird nesting colony. If monitoring determines an activity is adversely affecting a nesting colony, construction will be modified, as practicable, by either delaying construction until the colony site is abandoned or until the end of the breeding season, whichever occurs first, by temporarily relocating staging areas, or temporarily rerouting access to the construction site. These measures to avoid injury or mortality of nesting tricolored blackbirds are described in *AMM21 Tricolored Blackbird* (see Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~Appendix 3.C, *Avoidance and Minimization Measures*~~).

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 4,~~680~~ 731 acres of breeding habitat (~~95~~ 108 acres of nesting, 3,~~399~~ 361 acres of cultivated lands, and 1,~~186~~ 262 acres of noncultivated lands suitable for foraging) and ~~8,063~~6,757 acres of nonbreeding habitat (~~610~~ 611 acres of roosting, ~~6,70~~5,432~~2~~ acres of cultivated lands, and ~~751~~ 714 acres of noncultivated lands suitable for foraging) for tricolored blackbird in the study area in the near-term. These effects would result from the construction of the water conveyance facilities(CM1, ~~1,992~~2,043 acres of breeding, ~~3,233~~1,927 acres of nonbreeding), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration*—2,688 acres of breeding, 4,830 acres of nonbreeding).

Typical NEPA and CEQA project-level mitigation ratios would be 1:1 for restoration/creation and 1:1 for protection for the loss of nesting and roosting wetland habitat, 1:1 protection for the loss of cultivated lands, and 2:1 protection for loss of noncultivated lands suitable for foraging~~ (for the breeding and nonbreeding season), and 1:1 protection for the loss of cultivated lands.~~.

Using these ratios would indicate that the compensation for loss or conversion of tricolored blackbird habitat from CM1 would require ~~7~~ 20 acres of restoration and ~~7~~ 20 acres of protection of nesting habitat, ~~40~~ 41 acres of restoration and ~~40~~ 41 acres of protection of roosting habitat, ~~1,238~~3,251 acres of protection of ~~non~~cultivated lands that provide foraging habitat, and 1,316~~1,658~~ acres of protection of noncultivated lands suitable for foraging~~ during the breeding season, and 2,901 acres of cultivated lands that provide foraging habitat during the nonbreeding season~~. The near-term effects of other conservation actions would remove or convert 88 acres of nesting habitat, 570 acres of roosting habitat, 5,542 acres of cultivated lands, and ~~619~~ 1,318 acres of noncultivated lands suitable for foraging~~, 1,741 acres of cultivated lands that provide foraging habitat during the breeding season, and 3,801 acres of cultivated lands during the nonbreeding season~~. Compensation for these losses from other conservation measures would therefore require 88 acres of restoration and 88 acres of protection of nesting habitat, 570 acres of restoration and 570 acres of protection of roosting habitat, ~~1,238 acres of protection of noncultivated lands that provide foraging habitat, 1,741 acres of protection of cultivated lands suitable for foraging during the breeding season, and 3,801~~5,542 acres of cultivated lands that provide foraging habitat, and 2,636 acres of noncultivated lands ~~during the nonbreeding season.~~ using the same typical NEPA and CEQA ratios.

Total compensation for near-term loss or conversion of tricolored blackbird habitat (from the implementation of all conservation measures) that would be required using the typical ratios above would be ~~95~~ 108 acres of restoration and ~~95~~ 108 acres of protection for nesting habitat, ~~610~~ 611 acres of restoration and ~~610~~ 611 acres of protection for roosting habitat, ~~3,873~~8,793 acres of protection of ~~non~~cultivated foraging habitat, ~~3,399 acres of protection for cultivated lands that provide foraging habitat during the breeding season,~~ and ~~6,702~~3,952 acres of noncultivated lands that provide foraging habitat ~~during the nonbreeding season~~.

The BDCP has committed to near-term goals of protecting 25 acres of nontidal marsh, ~~and restoring protecting~~ 750 acres of valley/foothill riparian, 2,000 acres of grassland, 400 acres of vernal pool complex, 120 acres of alkali seasonal wetland complex, 4,800 acres of managed wetland, 15,400 acres of non-rice cultivated lands, and 900 acres of rice (or rice-equivalent wetlands such as nontidal marsh). In addition, ~~and restoring~~ the restoration of 800 acres of valley/foothill riparian, ~~natural community, protecting 2,000 acres and restoring~~ 1,140 acres of grassland, ~~natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, restoring~~ 8,850 acres of tidal freshwater emergent wetlands, and 2,000 acres of tidal brackish emergent wetlands would be initiated in the near-term timeframe (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM5, CM7, and CM8 and would occur in the same timeframe as the construction and early restoration losses. Some proportion of these natural communities provide suitable habitat for tricolored blackbird as described below.

Nesting by tricolored blackbirds is currently limited by the availability of high-value breeding habitat, which is represented by suitable nesting substrate, such as cattail/bulrush emergent wetland, in close association with highly productive foraging areas that support abundant insect prey, such as grasslands, seasonal wetlands, pasturelands, alfalfa and other hay crops, and some croplands. The nesting habitat would be located within 5 miles of high-value foraging habitat in CZs 1, 2, 8, or 11 (see Table 12-4-38 for foraging habitat values) and would be actively managed to maintain actively growing stands of bulrush/cattail emergent vegetation through mechanical habitat manipulation, prescribed fire, or other measures described in *CM11 Natural Communities Enhancement and Management*. In addition to the actively managed nesting habitat, a portion of the 750 acres of protection and 800 acres of restoration of valley/foothill riparian natural community, and the restoration of 900 acres nontidal marsh would provide nesting habitat for tricolored blackbird. The Plan estimates that modeled nesting habitat in the study area currently includes 8% of valley/foothill riparian and 22% of nontidal freshwater emergent marsh (~~BDCP~~ see Chapter 5, Section 5.6.12.2, *Beneficial Effects*, of the Draft BDCP). Assuming similar proportions of modeled habitat on conservation lands restored in the near-term, approximately 64 acres of valley foothill riparian and 198 acres of nontidal marsh restored would provide nesting habitat for tricolored blackbird.

Table 12-4-38. Tricolored Blackbird Foraging Habitat Value Classes

Foraging Habitat Value Class	Agricultural Crop Type/Habitats	
	Breeding Season[a] Foraging Habitat	Nonbreeding Season Foraging Habitat
Very high	Native pasture, nonirrigated native pasture, annual grasslands, vernal pool grasslands, alkali grasslands, unsprayed alfalfa, unsprayed sunflower, unsprayed mixed alfalfa	Livestock feed lots
High	Sunflower, alfalfa and mixed alfalfa, mixed pasture, induced high water table native pasture, nonirrigated mixed pasture, dairies	Corn, sunflower, ~~millet,~~ alfalfa and mixed alfalfa, mixed pasture, native pasture, ~~induced high water table native pasture,~~ nonirrigated native pasture, rice, dairies, annual grasslands, vernal pool grasslands, alkali grasslands, native vegetation[b],
Moderate	Miscellaneous grasses ~~pasture~~, fallow lands cropped within 3 years, new lands prepped for crop production, livestock feed lots, organic rice	Miscellaneous grass pasture, nonirrigated mixed pasture, fallow lands cropped within 3 years, new lands prepped for crop production
Low	~~Wheat, mixed~~ Mixed grain and hay crops, farmsteads, non-irrigated mixed grain and hay, farm residences	Wheat, oats, mixed grain and hay, farmsteads, non-irrigated mixed grain and hay, and on-irrigated misc. grain and hay
Marginal	Rice	None
None	All remaining crop types	All remaining crop types

[a] Generally March through August; occasional breeding in fall (September through November).
[b] Native vegetation is a land use designation within the California Department of Water Quality crop type dataset (2007). For the purposes of incorporating native vegetation classes into the correct species models, and, when applicable, assigning habitat foraging values, the management on these lands most resembles that of grassland or a nonirrigated pasture type.

The Plan estimates that modeled roosting habitat in the study area currently includes 95% of tidal freshwater emergent wetland, 57% of brackish emergent wetland, 21% of valley/foothill riparian, 75% of nontidal marsh, and 15% of managed wetlands (~~BDCP~~ see Chapter 5, Section 5.6.12.2, *Beneficial Effects*, of the Draft BDCP). Assuming similar proportions of modeled habitat on conservation lands restored in the near-term, the restoration of approximately 8,408 acres of tidal freshwater emergent wetland, 1,140 acres of tidal brackish emergent wetland, 675 acres of nontidal marsh, and 168 acres of valley foothill riparian would provide 10,391 acres of nesting habitat for tricolored blackbird. An estimated 878 acres of roosting habitat would also be protected in the near-term time period (158 acres of valley/foothill riparian, 720 acres managed wetland).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) which would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities. The protection and restoration of grasslands, alkali seasonal wetlands, and vernal pool complexes would provide improved foraging opportunities for tricolored blackbirds during both the breeding and nonbreeding seasons. Proximity of nesting colonies to suitable foraging habitat contributes to high reproductive success in tricolored blackbirds. These natural communities are known to support large insect populations, a vital food resource for successful rearing and fledging of young. Those conservation lands that lie within a few miles of active nesting colonies would provide high-value foraging areas to support breeding tricolored blackbirds. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, further enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4).

Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,600 acres of potential foraging habitat for tricolored blackbird in the near-term (Objective CLNC1.1). Objective TRBL1.3 commits to protecting 11,050 acres (23% of the total cultivated lands commitment) of high- to very high-value breeding-foraging habitat by the late long-term. Assuming that lands would be protected proportional to the conservation objectives for covered species, approximately 3,588 acres of high- to very high-value breeding foraging habitat consisting of cultivated lands would be protected in the near-term. These lands would be protected within 5 miles of occupied or recently occupied tricolored blackbird nesting habitat in CZs 1, 2, 3, 4, 7, 8, or 11. In addition, Objective TRBL1.2 states that of the cultivated lands protected in the late long-term time period, 26,300 acres (54% of all cultivated lands protected) would be maintained in moderate – high, or very high-value cultivated lands, at least 50% of which would be high- to very high-value. Assuming proportional conservation in the near-term, an estimated 8,424 acres of cultivated lands that provide foraging habitat for tricolored blackbird would be protected in the near-term, 4,212 of which would be in high- to very high-value cultivated lands. Small but essential habitats for species including tricolored blackbird would also be protected that occur within the agricultural matrix. This would include the retention of wetlands, grassland patches, shrub stands, and herbaceous edge habitats, which could provide suitable nesting, foraging or roosting habitat for tricolored blackbird (Objective CLNC1.3).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The acres of protection and restoration contained in the near-term Plan goals, in addition to the detailed habitat value goals that would be applied to near-term acres, are more than sufficient to satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and the near-term impacts from other conservation measures on nesting, roosting, and ~~cultivated lands~~ foraging habitat. ~~The 3,660 acres of grassland protection in the near-term are 213 acres short of the 2:1 protection mitigation ratio. However, the acres of permanent impact would be compensated for by this acreage and temporary impacts on grassland would be restored to preproject conditions (including revegetation with native vegetation if within 1 year of completion of construction under *AMM2 Construction Best Management Practices and Monitoring*.~~ With the ~~enhancement~~ protection and restoration acres described above, and the implementation of AMM1-7 and AMM21, ~~of grasslands described above, and the restoration of temporary habitat impacts, this difference between impacted and conserved grassland acreages~~ potential impacts of Plan implementation in the near-term time period would not result in an adverse effect on tricolored blackbird.

Late Long-Term Timeframe

Based on the habitat model, the study area approximately 164,947 acres of breeding and 259,093 acres of nonbreeding habitat for tricolored blackbird. The Delta is an important wintering area for the tricolored blackbird (Hamilton 2004, Beedy 2008). Although there is a large acreage of modeled breeding habitat available, the study area does not currently support many nesting tricolored blackbirds with the exception of a few occurrences on the fringes of the Suisun Marsh, in the Yolo Bypass, and along the southwestern perimeter of the study area (~~BDCP~~ see Chapter 5, *Effects Analysis*, of the Draft BDCP). Alternative 4 as a whole would result in the permanent loss of and temporary effects on 14,~~200~~ 251 acres of breeding habitat and ~~30,595~~29,289 acres of nonbreeding habitat for tricolored blackbird during the term of the Plan (9% of the total breeding habitat in the study area and ~~12~~11% of the total nonbreeding habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, and *CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). In addition, species specific biological goals and objectives for tricolored blackbird commit to protecting or restoring at least 50 acres of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat located within 5 miles of high-value foraging habitat in CZs 1, 2, 8, or 11 (Objective TRBL1.1). Foraging habitat value classes for tricolored blackbird are found in Table 12-4-38. To ensure that natural community conservation benefits tricolored blackbird, the Plan further specifies that cultivated lands protected for tricolored blackbird retain residual wetland, grassland patches, shrub stands, and herbaceous edge habitats which may provide suitable nesting, foraging or roosting habitat for the species (Objective CLNC1.3). In addition, 26,300 acres of moderate-, high-, or very high-value cultivated lands would be conserved and managed as nonbreeding foraging habitat, 50% of which would be of high- or very high-value (Objective TRBL1.2). At least 11,050 acres of cultivated lands managed as high to very high breeding foraging habitat would be conserved within 5 miles of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat in CZs 1, 2, 3, 4, 7, 8, or 11 (Objective TRBL1.2). Most of the loss of breeding and nonbreeding habitat would be to cultivated lands that are abundant throughout the study area, so the loss is not expected to adversely affect the population in the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the protection of an estimated 46,566 acres of tricolored blackbird habitat (16,476 acres breeding habitat and 31,090 acres nonbreeding habitat) and restoration of 31,001 acres of tricolored blackbird habitat (2,190 acres breeding habitat and 28,811 acres nonbreeding habitat).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and*

Countermeasure Plan, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The losses of tricolored blackbird habitat and potential direct mortality of a special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM4, CM5, CM7, CM8, and CM11, guided by species-specific goals and objectives and by AMM1–AMM7 and *AMM21 Tricolored Blackbird*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss or potential mortality on tricolored blackbird under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 4,~~680~~ 731 acres of breeding habitat (~~95~~ 108 acres of nesting, 3,~~399~~ 361 acres of cultivated lands, and 1,~~186~~ 262 acres of noncultivated lands suitable for foraging) and ~~8,063~~6,757 acres of nonbreeding habitat (~~610~~ 611 acres of roosting, ~~6,702~~5,432 acres of cultivated lands, and ~~751~~ 714 acres of noncultivated lands suitable for foraging) for tricolored blackbird in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~1,992~~2,043 acres of breeding, ~~3,233~~1,927 acres of nonbreeding), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration*—2,688 acres of breeding, 4,830 acres of nonbreeding).

Typical NEPA and CEQA project-level mitigation ratios would be 1:1 for restoration/creation and 1:1 for protection for the loss of nesting and roosting wetland habitat, 1:1 protection for the loss of cultivated lands, and 2:1 protection for loss of noncultivated lands suitable for foraging~~ (for the breeding and nonbreeding season), and 1:1 protection for the loss of cultivated lands~~.

Using these ratios would indicate that the compensation for loss or conversion of tricolored blackbird habitat from CM1 would require ~~7~~ 20 acres of restoration and ~~7~~ 20 acres of protection of nesting habitat, ~~40~~ 41 acres of restoration and ~~40~~ 41 acres of protection of roosting habitat, ~~1,238~~3,251 acres of protection of ~~non~~cultivated lands that provide foraging habitat, and ~~1,~~658 acres of protection of noncultivated lands suitable for foraging~~ during the breeding season, and 2,901 acres of cultivated lands that provide foraging habitat during the nonbreeding season~~. The near-term effects of other conservation actions would remove or convert 88 acres of nesting habitat, 570 acres of roosting habitat, 5,542 acres of cultivated lands, and 1,318 acres of noncultivated lands suitable for foraging~~619 acres of noncultivated lands suitable for foraging, 1,741 acres of cultivated lands that provide foraging habitat during the breeding season, and 3,801 acres of cultivated lands during the nonbreeding season~~. Compensation for these losses from other conservation measures would therefore require 88 acres of restoration and 88 acres of protection of nesting habitat, 570 acres of restoration and 570 acres of protection of roosting habitat, 5,542 acres of cultivated lands that provide foraging habitat, and 2,636 acres of noncultivated lands ~~1,238 acres of protection of noncultivated lands that provide foraging habitat, 1,741 acres of protection of cultivated lands suitable for foraging during the breeding season, and 3,801 acres of cultivated lands that provide foraging habitat during the nonbreeding season.~~ using the same typical NEPA and CEQA ratios.

Total compensation for near-term loss or conversion of tricolored blackbird habitat (from the implementation of all conservation measures) that would be required using the typical ratios above would be 108 acres of restoration and 108 acres of protection for nesting habitat, 611 acres of restoration and 611 acres of protection for roosting habitat, 8,793 acres of protection of cultivated foraging habitat, and 3,952 acres of noncultivated lands that provide foraging habitat.

~~Total compensation for near-term loss or conversion of tricolored blackbird required using the typical ratios above would be 95 acres of restoration and 95 acres of protection for nesting habitat, 610 acres of restoration and 610 acres of protection for roosting habitat, 3,873 acres of protection of noncultivated foraging habitat, 3,399 acres of protection for cultivated lands that provide foraging habitat during the breeding season, and 6,702 acres of cultivated lands that provide foraging habitat during the nonbreeding season.~~

The BDCP has committed to near-term goals of protecting 25 acres of nontidal marsh, 750 acres of valley/foothill riparian, 2,000 acres of grassland, 400 acres of vernal pool complex, 120 acres of alkali seasonal wetland complex, 4,800 acres of managed wetland, 15,400 acres of non-rice cultivated lands, and 900 acres of rice (or rice-equivalent wetlands such as nontidal marsh). In addition, the restoration of 800 acres of valley/foothill riparian, 1,140 acres of grassland, 8,850 acres of tidal freshwater emergent wetlands, and 2,000 acres of tidal brackish emergent wetlands would be initiated in the near-term timeframe ~~and restoring protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, restoring 8,850 acres of tidal freshwater emergent wetlands and 2,000 acres of tidal brackish emergent wetlands~~ (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM5, CM7, and CM8 and would occur in the same timeframe as the construction and early restoration losses. Some proportion of these natural communities provide suitable habitat for tricolored blackbird as described below.

Nesting by tricolored blackbirds is currently limited by the availability of high-value breeding habitat, which is represented by suitable nesting substrate, such as cattail/bulrush emergent wetland, in close association with highly productive foraging areas that support abundant insect prey, such as grasslands, seasonal wetlands, pasturelands, alfalfa and other hay crops, and some croplands. The nesting habitat would be located within 5 miles of high-value foraging habitat in CZs 1, 2, 8, or 11 (see Table 12-4-38 for foraging habitat values) and would be actively managed to maintain actively growing stands of bulrush/cattail emergent vegetation through mechanical habitat manipulation, prescribed fire, or other measures described in *CM11 Natural Communities Enhancement and Management*. In addition to the actively managed nesting habitat, a portion of the 750 acres of protection and 800 acres of restoration of valley/foothill riparian natural community, and the restoration of 900 acres nontidal marsh would provide nesting habitat for tricolored blackbird. The Plan estimates that modeled nesting habitat in the study area currently includes 8%

of valley/foothill riparian and 22% of nontidal freshwater emergent marsh (~~BDCP~~ see Chapter 5, Section 5.6.12.2, *Beneficial Effects*, of the Draft BDCP). Assuming similar proportions of modeled habitat on conservation lands restored in the near-term, approximately 64 acres of valley foothill riparian and 198 acres of nontidal marsh restored would provide nesting habitat for tricolored blackbird.

The Plan estimates that modeled roosting habitat in the study area currently includes 95% of tidal freshwater emergent wetland, 57% of brackish emergent wetland, 21% of valley/foothill riparian, 75% of nontidal marsh, and 15% of managed wetlands (~~BDCP~~ see Chapter 5, Section 5.6.12.2, *Beneficial Effects*, of the Draft BDCP). Assuming similar proportions of modeled habitat on conservation lands restored in the near-term, the restoration of approximately 8,408 acres of tidal freshwater emergent wetland, 1,140 acres of tidal brackish emergent wetland, 675 acres of nontidal marsh, and 168 acres of valley foothill riparian would provide 10,391 acres of nesting habitat for tricolored blackbird. An estimated 878 acres of roosting habitat would also be protected in the near-term time period (158 acres of valley/foothill riparian, 720 acres managed wetland).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) which would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities. The protection and restoration of grasslands, alkali seasonal wetlands, and vernal pool complexes would provide improved foraging opportunities for tricolored blackbirds during both the breeding and nonbreeding seasons. Proximity of nesting colonies to suitable foraging habitat contributes to high reproductive success in tricolored blackbirds. These natural communities are known to support large insect populations, a vital food resource for successful rearing and fledging of young. Those conservation lands that lie within a few miles of active nesting colonies would provide high-value foraging areas to support breeding tricolored blackbirds. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, further enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4).

Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,600 acres of potential foraging habitat for tricolored blackbird in the near-term (Objective CLNC1.1). Objective TRBL1.3 commits to protecting 11,050 acres (23% of the total cultivated lands commitment) of high- to very high-value breeding-foraging habitat by the late long-term. Assuming that lands would be protected proportional to the conservation objectives for covered species, approximately 3,588 acres of high- to very high-value breeding foraging habitat consisting of cultivated lands would be protected in the near-term. These lands would be protected within 5 miles of occupied or recently occupied tricolored blackbird nesting habitat in CZs 1, 2, 3, 4, 7, 8 or 11. In addition, Objective TRBL1.2 states that of the cultivated lands protected in the late long-term time period, 26,300 acres (54% of all cultivated lands protected) would be maintained in moderate – high, or very high-value cultivated lands, at least 50% of which would be high- to very high-value. Assuming proportional conservation in the near-term, an estimated 8,424 acres of cultivated lands that provide foraging habitat for tricolored blackbird would be protected in the near-term, 4,212 of which would be in high- to very high-value cultivated lands. Small but essential habitats for species including tricolored blackbird would also be protected that occur within the agricultural matrix. This would include the retention of wetlands, grassland patches, shrub stands, and herbaceous edge habitats, which could provide suitable nesting, foraging or roosting habitat for tricolored blackbird (Objective CLNC1.3).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on tricolored blackbird habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special-status species. The acres of protection and restoration contained in the near-term Plan goals, in addition to the detailed habitat value goals that would be applied to near-term acres, are more than sufficient to satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and the near-term impacts from other conservation measures on nesting, roosting, and cultivated lands foraging habitat. With the protection and restoration acres described above, and the implementation of AMM1-7 and AMM21, potential impacts of Plan implementation ~~The 3,660 acres of grassland protection in the near-term are 213 acres short of the 2:1 protection mitigation ratio. However, the acres of permanent impact would be compensated for by this acreage and temporary impacts on grassland would be restored to preproject conditions (including revegetation with native vegetation if within 1 year of completion of construction under *AMM2 Construction Best Management Practices and Monitoring*. With the enhancement of grasslands described above, and the restoration of temporary habitat impacts, this difference between impacted and conserved grassland acreages~~ in the near-term time period would result in a less-than-significant impact on tricolored blackbird.

Late Long-Term Timeframe

Based on the habitat model, the study area approximately 164,947 acres of breeding and 259,093 acres of nonbreeding habitat for tricolored blackbird. The Delta is an important wintering area for the tricolored blackbird (Hamilton 2004, Beedy 2008). Although there is a large acreage of modeled breeding habitat available, the study area does not currently support many nesting tricolored blackbirds with the exception of a few occurrences on the fringes of the Suisun Marsh, in the Yolo Bypass, and along the southwestern perimeter of the study area (~~BDCP~~ see Chapter 5, *Effects Analysis*, of the Draft BDCP). Alternative 4 as a whole would result in the permanent loss of and temporary effects on 14,~~200~~ 251 acres of breeding habitat and ~~30,595~~29,289 acres of nonbreeding habitat for tricolored blackbird during the term of the Plan (9% of the total breeding habitat in the study area and ~~12~~11% of the total nonbreeding habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, and *CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

Species specific biological goals and objectives for tricolored blackbird commit to protecting or restoring at least 50 acres of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat located within 5 miles of high-value foraging habitat in CZs 1, 2, 8, or 11 (Objective TRBL1.1). Foraging habitat value classes for tricolored blackbird are found in Table 12-4-38. To ensure that natural community conservation benefits tricolored blackbird, the Plan further specifies that cultivated lands protected for tricolored blackbird retain residual wetland, grassland patches, shrub stands, and herbaceous edge habitats which may provide suitable nesting, foraging or roosting habitat for the species (Objective CLNC1.3). In addition, 26,300 acres of moderate-, high-, or very high-value cultivated lands would be conserved and managed as nonbreeding foraging habitat, 50% of which would be of high- or very high-value (Objective TRBL1.2). At least 11,050 acres of cultivated lands managed as high to very high breeding foraging habitat would be conserved within 5 miles of occupied or recently occupied (within the last 15 years) tricolored blackbird nesting habitat in CZs 1, 2, 3, 4, 7, 8, or 11 (Objective TRBL1.2). Most of the loss of breeding and nonbreeding habitat would be to cultivated lands that are abundant throughout the study area, so the loss is not expected to adversely affect the population in the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the protection of an estimated 46,566 acres of tricolored blackbird habitat (16,476 acres breeding habitat and 31,090 acres nonbreeding habitat) and restoration of 31,001 acres of tricolored blackbird habitat (2,190 acres breeding habitat and 28,811 acres nonbreeding habitat).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on tricolored blackbird habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special-status species. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7 and *AMM21 Tricolored Blackbird*, the loss of habitat or direct mortality though the implementation of Alternative 4 as a whole would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on tricolored blackbird.

Impact BIO-88: Effects on Tricolored Blackbird Associated with Electrical Transmission Facilities

New transmission lines would increase the risk that tricolored blackbirds could be subject to power line strikes, which could result in injury or mortality of individuals. Tricolored blackbirds would have the potential to intersect the proposed transmission lines largely due to winter movements throughout the study area, when individuals are migrating in large flocks and dense fog is common in the area~~)~~. Although migratory movements and daily flights between roosting and foraging habitat make tricolored blackbird vulnerable to collision with transmission lines~~may increase the risk of strike hazard~~, daily flights associated with winter foraging likely occurs in smaller flocks at heights that are lower than the transmission lines (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). For example, Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. As described in *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which would further reduce any potential for tricolored blackbird collision with transmission lines.

Transmission line poles and towers provide perching substrate for raptors, which are predators on tricolored blackbird. Although there is potential for transmission lines to result in increased perching opportunities for raptors and result in increased predation pressure on tricolored blackbirds~~which could result in increased predation pressure on local tricolored blackbirds~~. The existing network of transmission lines in the study area currently poses these risks and any incremental risk associated with the new power line corridors would not be expected to affect the study area population. Therefore, it is assumed that the increase in predation risk on tricolored blackbird from an increase in raptor perching opportunities is minimal.~~*AMM20 Greater Sandhill Crane*, would further reduce any potential effects of transmission lines on tricolored blackbird.~~

NEPA Effects: New transmission lines would increase the risk for tricolored blackbird powerline strikes, primarily during daily flights between roosting and foraging sites and during ~~in~~ winter during migration movements. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would reduce the potential impact of the construction of new transmission lines on tricolored blackbird. The increase in predation risk on tricolored blackbird from an increase in raptor perching opportunities is considered minimal. Therefore, the construction and operation of new transmission lines under Alternative 4 ~~and~~ would not result in an adverse effect on ~~the species~~tricolored blackbird.

CEQA Conclusion: New transmission lines would increase the risk for tricolored blackbird powerline strikes, primarily in winter during daily flights between roosting and foraging sites and during migration movements. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which ~~,~~would reduce the potential impact of the construction of new transmission lines on tricolored blackbird. The increase in predation risk on tricolored blackbird from an increase in raptor perching opportunities is considered minimal. The construction and operation of new transmission lines under Alternative 4 would not substantially reduce the number or restrict the range of the species and would therefore result in ~~to~~ a less-than-significant ~~level~~impact on tricolored blackbird.

Impact BIO-89: Indirect Effects of Plan Implementation on Tricolored Blackbird

Indirect construction- and operation-related effects: Tricolored blackbird nesting habitat within the vicinity of proposed construction areas that could be indirectly affected by construction activities. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect tricolored blackbird. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet from the construction edge. Construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. *AMM21 Tricolored Blackbird* would require preconstruction surveys, and if detected, covered activities would be avoided within a minimum ~~250~~ 300 feet of an active nesting colony and up to 1,300 feet where practicable until breeding has ceased. In addition, monitoring would be implemented to ensure that construction does not adversely affect the nesting colony. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect tricolored blackbird in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to tricolored blackbird habitat could also affect the species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including tricolored blackbird. Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration).

~~The potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans.~~ Breeding tricolored blackbirds are not thought to be highly susceptible to methylmercury exposure because tidal wetlands are not expected to be a major foraging area for the species. Furthermore, the Suisun Marsh Plan (Bureau of Reclamation et al. 2010) anticipates that tidal wetlands restored under the plan would generate less methylmercury than the existing managed wetlands, potentially reducing the overall risk. However, species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects and increased methylmercury associated with natural community and floodplain restoration could indirectly affect tricolored blackbird, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP). A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix ~~X~~D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS. ~~which~~This review includes an overview of the BDCP-related mechanisms that could result in increased mercury in the food web, and how exposure to individual species may occur based on feeding habits and where their habitat overlaps with the areas where mercury bioavailability could increase.

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS)~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas will be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on tricolored blackbird.~~

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including tricolored blackbird. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4 and CM5) would lead to adverse effects on tricolored blackbird.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on tricolored blackbird from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: The effects of noise, potential spills of hazardous material, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would not be adverse with the implementation of AMM1–AMM7 and *AMM21 Tricolored Blackbird*.

Tidal habitat restoration could result in increased exposure of ~~California least tern~~tricolored blackbird to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of tricolored blackbird to methylmercury. It is unlikely that breeding tricolored blackbird would be highly susceptible to methylmercury exposure because tidal wetlands are not expected to be a major foraging area for the species. However, it is unknown what concentrations of methylmercury are harmful to this species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on tricolored blackbird.~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would better inform the potential effects of methylmercury on tricolored blackbird. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for tricolored blackbird, once site specific sampling and other information could be developed.~~

CEQA Conclusion: Impacts of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would be less than significant with the implementation of *AMM21 Tricolored Blackbird* and AMM1–AMM7.

Tidal habitat restoration could result in increased exposure of ~~California least tern~~tricolored blackbird to selenium. This impact would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of tricolored blackbird to methylmercury. It is unlikely that breeding tricolored blackbird would be highly susceptible to methylmercury exposure because tidal wetlands are not expected to be a major foraging area for the species. However, it is unknown what concentrations of methylmercury are harmful to this species. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on tricolored blackbird.~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would better inform the potential impacts of methylmercury on tricolored blackbird. With these measures in place, indirect effects from Alternative 4 would have a less-than-significant impact on tricolored blackbird.~~

Therefore, with AMM1-7, AMM21, AMM27, and CM12 in place, the indirect effects of Alternative 4 implementation would not result in a substantial adverse effect through habitat modification or potential mortality. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on tricolored blackbird.

Impact BIO-90: Periodic Effects of Inundation of Tricolored Blackbird Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass (CM2) would inundate 2,447–4,312 acres of breeding habitat and 263–1,252 acres of nonbreeding habitat (Table 12-4-37). Based on hypothetical floodplain restoration, construction of setback levees for *CM5 Seasonally Inundated Floodplain Restoration* could result in periodic inundation of approximately 2,509 acres of breeding habitat (30 acres of nesting, 2,124 acres of cultivated lands, 355 acres of noncultivated lands suitable for foraging) and 2,694 acres of nonbreeding habitat(29 acres of roosting, 2,506 acres of cultivated lands, 158 acres of noncultivated lands suitable for foraging; see Table 12-4-37) resulting in the temporary loss of these habitats. Tricolored blackbirds are highly nomadic during the winter and would be expected to move to adjacent suitable foraging habitat when the bypass is inundated, as they do under the current flooding regime. However, this inundation could reduce the availability of nesting habitat during years when flooding extends into the nesting season (past March). The periodic inundation of the Yolo Bypass (CM2) and of other floodplains (CM5) is expected to restore a more natural flood regime in support of wetland and riparian vegetation types that support nesting habitat. There would be no expected adverse effect on tricolored blackbird.

NEPA Effects: Implementation of CM2 and CM5 would result in periodic inundation of nesting and foraging habitat for tricolored blackbird. Periodic inundation would not result in an adverse effect on tricolored blackbird because inundation is expected to take place outside of the breeding season. Although foraging habitat would be temporarily unavailable, tricolored blackbirds are highly nomadic in winter and wintering birds would be expected to move to adjacent foraging habitat.

CEQA Conclusion: Implementation of CM2 and CM5 would result in periodic inundation of nesting and foraging habitat for tricolored blackbird. Periodic inundation would have a less-than-significant impact on tricolored blackbird because inundation is expected to take place outside of the breeding season. Although foraging habitat would be temporarily unavailable, tricolored blackbirds are highly nomadic in winter and wintering birds would be expected to move to adjacent foraging habitat.

Western Burrowing Owl

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on western burrowing owl. Western burrowing owl modeled habitat consisted of high- and low-value habitat for nesting and foraging. High-value habitat consists of plant alliances within the grassland and vernal pool natural communities and pasture. Low-value habitat includes plant alliances and crop types from managed wetland, alkali seasonal wetland, and cultivated lands. Value was determined through reported species use patterns from the literature.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of western burrowing owl modeled habitat as indicated in Table 12-4-39. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the western burrowing owl (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 1,000 acres of cultivated lands in CZs 1 and 11 that support high-value burrowing owl habitat and are within 0.5 mile of high-value grassland habitat or occupied low-value habitat (Objective WBO1.1, associated with CM3).
- Protect at least 8.000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at last 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Restore or create alkali seasonal wetlands and vernal pool complex in CZs 1, 8, and/or 11 to achieve no net loss of wetted acres (Objectives ASWNC1.2 and VPNC1.2, associated with CM9)
- Increase burrow availability and prey abundance and accessibility (Objectives ASWNC2.3, ASWNC2.4, VPNC2.4, VPNC2.5, GNC2.3, and GNC2.4, associated with CM11)
- Protect at least 48,600 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species and maintain and protect the small patches of important wildlife habitats associated with cultivated lands (Objectives CLNC1.1 and CLNC1.3, associated with CM3)

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for the species and implementation of AMM1–AMM7, and *AMM23 Western Burrowing Ow*l, impacts on western burrowing owl would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-39. Changes in Western Burrowing Owl Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	High-value	920	920	220	220	NA	NA
	Low-value	2,403	2,403	747	747	NA	NA
Total Impacts CM1		**3,323**	**3,323**	**967**	**967**		
CM2–CM18	High-value	4,487	11,570	245	328	1,390-3,303	779
	Low-value	3,527	28,506	144	971	1,522-2,927	6,162
Total Impacts CM2–CM18		**8,014**	**40,076**	**389**	**1,299**	**2,912-6,230**	**6,941**
Total High-value		**5,407**	**12,490**	**465**	**548**	1,390-3,303	779
Total Low-value		**5,930**	**30,909**	**891**	**1,718**	1,522-2,927	6,162
TOTAL IMPACTS		**11,337**	**43,399**	**1,356**	**2,266**	**2,912-6,230**	**6,941**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-91: Loss or Conversion of Habitat for and Direct Mortality of Western Burrowing Owl

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~46,309~~45,665 acres of modeled habitat for western burrowing owl (of which 13,~~130~~ 038 acres is of high-value and ~~33,179~~32,627 acres is of low value, Table 12-4-39). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM10 Nontidal Marsh Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*. The majority of habitat loss (29,668 acres) would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate western burrowing owl habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~4,934~~1,140 acres of acres of modeled high-value western burrowing owl habitat (~~881~~ 920 acres of permanent loss, ~~351~~ 220 acres of temporary loss) from CZs 3–6 and CZ 8. In addition, ~~3,702~~3,150 acres of low-value burrowing owl habitat would be removed (~~3,013~~2,403 acres of permanent loss, ~~689~~ 747 acres of temporary loss). The majority of high-value grassland habitat that would be removed would be in CZ 8, from the construction of the new forebay in CZ 8. There is a high concentration of CNDDB and DHCCP survey records for western burrowing owls in CZ 8 to the west and the south of the Clifton Court Forebay. The loss of high-value habitat from facility construction and the establishment of the forebay RTM storage area could remove occupied habitat, displace nesting and wintering owls, and fragment occupied burrowing owl habitat.

  The RTM storage area overlaps with six occurrences of western burrowing owl and there are also several occurrences west of the new forebay control structure that could be indirectly affected by construction activities. The amount of storage area needed for reusable tunnel material is flexible (dependent on storage pile height and other factors) and the footprint used in the effects analysis is based on a worst case scenario. However, the actual area to be affected by reusable tunnel material storage would likely be less than the estimated acreage. The implementation of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM23 Western Burrowing Owl* would require that to the extent practicable, the reusable tunnel material storage area footprint avoided locations where active burrows are present. The footprints of a permanent transmission line and a permanent access road, both located west of the Clifton Court Forebay overlap with an additional 8 occurrences of western burrowing owl. Preconstruction surveys would be conducted prior to any construction activities under *AMM23 Western Burrowing Owl* during the nonbreeding and the breeding season. If avoidance was not possible, passive relocation would be considered in consultation with CDFW. If owls were to be excluded from existing burrows, artificial burrows would be used if it were possible for them to be installed within 100 meters from the existing burrows on protected lands. A substantial portion of the high-value grassland protection and enhancement under *CM8 Grassland Natural Community Restoration* would be expected to occur to the west and to the south of these occurrences in CZ 8, which would provide high-value protected lands in close proximity to the disturbed habitat.

  Refer to the Terrestrial Biology Map~~ B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 1,127 acres of high-value western burrowing owl habitat (882 acres of permanent loss, 245 acres of temporary loss) in the Yolo Bypass in CZ 2. In addition, 242 acres of low-value habitat would be removed (98 acres of permanent loss, 144 acres of temporary loss). The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 29,668 acres of modeled western burrowing owl habitat in CZs 1, 2, 4, 5, 6, 7, 8, 10, and 11. The majority of removed or converted acres (19,739 acres) is composed of low-value habitat. However, 9,929 acres of high-value habitat would also be lost from tidal restoration actions. Tidal restoration would directly impact and fragment remaining high-value grassland habitat just north of Rio Vista in and around

French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Tidal natural community restoration efforts would impact one extant record of burrowing owl just northeast of Oakley along Dutch Slough and one possibly extirpated record in Suisun Marsh.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 2,504 acres of modeled western burrowing owl in CZs 2, 4, and 7. This total is comprised of 2,279 acres of low-value habitat. Also, 225 acres of high-value grassland habitat would be removed (142 permanent, 83 temporary) consisting of small patches of habitat along the San Joaquin, Old, and Middle Rivers in CZ 7.
- *CM6 Channel Margin Enhancement*: Sites for channel margin enhancement would be located along levees where western burrowing owl could be present. The species is known to use often the grassland edges along canals and levees in agricultural areas. The implementation of *AMM23 Western Burrowing Owl* would reduce the potential for channel margin enhancement activities to disturb owls or affect active nests.
- *CM7 Riparian Natural Community Restoration*: Riparian restoration would permanently remove approximately 11 acres of high-value burrowing owl habitat as part of tidal restoration. In addition, 960 acres of low-value habitat would be removed as a part of tidal restoration and 3,991 acres would be removed as part of seasonal floodplain restoration through CM7.
- *CM8 Grassland Natural Community Restoration*: Grassland restoration would primarily be implemented on agricultural lands and would result in the permanent loss of 1,676 acres (362 acres of high-value and 1,314 acres of low-value) of western burrowing owl habitat. The conversion of 1,676 acres of low-value habitat to high-value grassland, would temporarily remove available habitat but would ultimately have a beneficial effect on the western burrowing owl.
- *CM10 Nontidal Marsh Restoration*: Implementation would result in the permanent removal of 159 acres of high-value and 952 acres of low-value western burrowing owl habitat.
- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of western burrowing owl habitat. The burrowing owl's fossorial habits make the species more sensitive to the effects of ground disturbance than other raptors. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available western burrowing owl habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland habitat would be lost from the construction of trails and facilities.

Habitat management- and enhancement-related activities and equipment operation could destroy nests burrows, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. The potential for these activities to result in nest failure and mortality or other adverse effects on western burrowing owl would be avoided or minimized with the incorporation of *AMM23 Western Burrowing Owl* into the BDCP which would require surveys to determine presence or absence and the establishment of no-disturbance buffers around active sites.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of high-value western burrowing owl habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect western burrowing owl use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.
- Injury and Direct Mortality: Construction would not be expected to result in direct mortality of western burrowing owl. However, if nest burrows were occupied in the vicinity of construction activities, equipment operation could destroy nests and noise and visual disturbances could lead to abandonment. *AMM23 Western Burrowing Owl* would ensure that preconstruction surveys detected any occupied burrows and no-disturbance buffers would be implemented.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 5,~~964~~ 872 acres (5,~~368~~ 407 acres permanent, ~~596~~ 465 acres temporary) of high-value habitat for western burrowing owl in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 1,~~232~~ 140 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—4,732 acres). In addition, ~~7,373~~6,821 acres of low-value habitat would be removed or converted in the near-term (CM1, 3,~~702~~ 150 acres; *CM2*~~*Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, CM7 Riparian Natural Community Restoration, CM8 Grassland Natural Community Restoration, CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration, CM11 Natural Communities Enhancement and Management* and~~ -*CM18*~~*Conservation Hatcheries*~~—3,671 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 2:1 protection of high-value habitat, and 1:1 protection of low-value habitat. ~~A proportion of the loss of low-value habitat would result from conversion and enhancement to high-value habitats.~~ Using these typical ratios would indicate that 2,~~464~~ 280 acres should be protected to compensate for the loss of high-value habitat ~~from CM1 and that~~and 3,~~702~~ 150 acres should be protected to compensate for the loss of low-value habitat from CM1. The near-term effects of other conservation actions would require 9,464 acres of protection to compensate for the loss of high-value habitat and

3,671 acres of protection to compensate for the loss of low-value habitat using the same typical NEPA and CEQA ratios (2:1 protection for the loss of high-value habitat, 1:1 protection for the loss of low-value habitat).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses.

The protection of high-value grasslands is essential in order to sustain existing western burrowing owl populations in the study area. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide habitat for western burrowing owl and reduce the effects of current levels of habitat fragmentation. This protection would not only expand the amount of protected high-value habitat in the study area, but also support existing western burrowing owl populations that occur to the west of CZ 8 and in the areas surrounding CZs 1 and 11, which would especially benefit declining populations in the vicinity of Suisun Marsh and San Pablo Bay. Certain types of cultivated lands such as irrigated pasture, alfalfa and other hay crops, and some row crops can provide foraging habitat for western burrowing owl. Under appropriate management regimes, cultivated lands can support breeding and wintering burrowing owls. Under *CM11 Natural Communities Enhancement and Management*, small mammal and insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). In addition, burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning, Objectives ASWNC2.3, VPNC2.4, GNC2.3). These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The combined acres of restoration and protection of 3,660 acres of grassland, vernal pool complex, and alkali seasonal wetland contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 and other near-term effects on western burrowing owl high-value habitat with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of high-value burrowing owl habitat at a ratio of 2:1. Mitigation Measure BIO-91, *Compensate For the Near-Term Loss of High-Value Burrowing Owl Habitat,* would be available to address the adverse effect of high-value habitat loss in the near-term.

The compensation for the loss of low-value burrowing owl habitat from ~~the other~~ near-term impacts would be ~~241 acres less than~~sufficient to meet the typical ratio of 1:1 protection. ~~However, 833 acres of all near-term impacts on low-value habitat would be temporary and would be restored within 1 year of the completion of construction. In addition, a~~ A proportion of the loss of low-value habitat would be a result of the conversion to high-value habitat ~~and the near-term conservation acres would be sufficient to compensate for the permanent impacts on low-value habitat for the species.~~ In addition, 1,356 acres of impacts on burrowing owl habitat would be temporary and would be restored within 1 year of the completion of construction. The management and enhancement of cultivated lands and protected grasslands including prey enhancement, increasing burrow availability, and reducing existing fragmentation of high-value habitat, would further compensate for any potential effect from the near-term loss of ~~low-value~~ foraging habitat on western-burrowing owl.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 152,014 acres of high-value and 254,352 acres of low-value habitat for western burrowing owl. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 13,~~130~~ 038 acres of high-value habitat and ~~33,179~~32,627 acres of low-value western burrowing owl habitat over the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide habitat for western burrowing owl and reduce the effects of current levels of habitat fragmentation. This protection would not only expand the amount of protected high-value habitat in the study area, but also support existing western burrowing owl populations that occur to the west of CZ 8 and in the areas surrounding CZs 1 and 11, which would especially benefit declining populations in the vicinity of Suisun Marsh and San Pablo Bay. Certain types of cultivated lands such as irrigated pasture, alfalfa and other hay crops, and some row crops can provide foraging habitat for western burrowing owl. Under appropriate management regimes, cultivated lands can support breeding and wintering burrowing owls. To ensure that cultivated lands conservation benefits western burrowing owl, the Plan's biological goals and objectives further specify that, of the cultivated lands protected in the late long-term, at least 1,000 acres would be protected in CZs 1 and 11 that support high-value burrowing owl habitat and are within 0.5 miles of high-value grassland habitat or occupied low-value habitat (Objective WBO1.1). Under *CM11 Natural Communities Enhancement and Management*, small mammal and insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). In addition, burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning, Objectives ASWNC2.3, VPNC2.4, GNC2.3).

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the protection of an estimated 33,766 acres of western burrowing owl habitat (8,589 acres high-value and 25,177 acres low-value habitat) and restoration of 1,645 acres of western burrowing owl habitat (1,642 acres high-value and 3 acres low-value habitat).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of western burrowing owl habitat and potential for mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, and CM11, guided by biological goals and objectives and by AMM1–AMM7, *AMM23 Western Burrowing Owl*, and with Mitigation Measure BIO-91, *Compensate for Near-Term Loss of High-Value Western Burrowing Owl Habitat*, which would be available to guide the near-term protection and management of cultivated lands, the effects of habitat loss and potential mortality on western burrowing owl under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 5,~~964~~ 872 acres (5,~~368~~ 407 acres permanent, ~~596~~ 465 acres temporary) of high-value habitat for western burrowing owl in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 1,~~232~~ 140 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—4,732 acres). In addition, ~~7,373~~6,821 acres of low-value habitat would be removed or converted in the near-term (CM1, ~~3,702~~3,150 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—3,671 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 2:1 protection of high-value habitat, and 1:1 protection of low-value habitat. A proportion of the loss of low-value habitat would result from conversion and enhancement to high-value habitats. Using these typical ratios would indicate that 2,464 acres should be protected to compensate for the loss of high-value habitat from CM1 and that 3,702 acres should be protected to compensate for the loss of low-value habitat from CM1. The near-term effects of other conservation actions would require 9,464 acres of protection to compensate for the loss of high-value habitat and 3,671 acres of protection to compensate for the loss of low-value habitat using the same typical NEPA and CEQA ratios (2:1 protection for the loss of high-value habitat, 1:1 protection for the loss of low-value habitat).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses.

The protection of high-value grasslands is essential in order to sustain existing western burrowing owl populations in the study area. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide habitat for western burrowing owl and reduce the effects of current levels of habitat fragmentation. This protection would not only expand the amount of protected high-value habitat in the study area, but also support existing western burrowing owl populations that occur to the west of CZ 8 and in the areas surrounding CZs 1 and 11, which would especially benefit declining populations in the vicinity of Suisun Marsh and San Pablo Bay. Certain types of cultivated lands such as irrigated pasture, alfalfa and other hay crops, and some row crops can provide foraging habitat for western burrowing owl. Under appropriate management regimes, cultivated lands can support breeding and wintering burrowing owls. Under *CM11 Natural Communities Enhancement and Management*, small mammal and insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). In addition, burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning, Objectives ASWNC2.3, VPNC2.4, GNC2.3).

These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The combined acres of restoration and protection of 3,660 acres of grassland, vernal pool complex, and alkali seasonal wetland contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 and other near-term effects on western burrowing owl high-value habitat with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of high-value burrowing owl habitat at a ratio of 2:1. Mitigation Measure BIO-91, *Compensate For the Near-Term*

Loss of High-Value Burrowing Owl Habitat, would address the impact of high-value habitat loss in the near-term.

The compensation for the loss of low-value burrowing owl habitat from ~~the other~~ near-term impacts ~~would be 241 acres less than~~sufficient to meet the typical ratio of 1:1 protection. ~~However, 833 acres of all near-term impacts on low-value habitat would be temporary and would be restored within 1 year of the completion of construction. In addition, a~~A proportion of the loss of low-value habitat would be a result of the conversion to high-value habitat~~ and the near-term conservation acres would be sufficient to compensate for the permanent impacts on low-value habitat for the species~~. In addition, 1,356 acres of impacts on burrowing owl habitat would be temporary and would be restored within 1 year of the completion of construction. The management and enhancement of cultivated lands and protected grasslands including prey enhancement, increasing burrow availability, and reducing existing fragmentation of high-value habitat, would further compensate for any potential effect from the near-term loss of ~~low-value~~ foraging habitat on western-burrowing owl.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The loss of western burrowing owl habitat and potential for mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, and CM11, guided by biological goals and objectives and by AMM1–AMM7, *AMM23 Western Burrowing Owl*, and with Mitigation Measure BIO-91, *Compensate for Near-Term Loss of High-Value Western Burrowing Owl Habitat*, which would be available to guide the near-term protection and management of cultivated lands, the effects of habitat loss and potential mortality on western burrowing owl under Alternative 4 would be less-than-significant.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 152,014 acres of high-value and 254,352 acres of low-value habitat for western burrowing owl. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 13,~~130~~ 038 acres of high-value habitat and ~~33,179~~32,627 acres of low-value western burrowing owl habitat over the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and

GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide habitat for western burrowing owl and reduce the effects of current levels of habitat fragmentation. This protection would not only expand the amount of protected high-value habitat in the study area, but also support existing western burrowing owl populations that occur to the west of CZ 8 and in the areas surrounding CZs 1 and 11, which would especially benefit declining populations in the vicinity of Suisun Marsh and San Pablo Bay. Certain types of cultivated lands such as irrigated pasture, alfalfa and other hay crops, and some row crops can provide foraging habitat for western burrowing owl. Under appropriate management regimes, cultivated lands can support breeding and wintering burrowing owls. To ensure that cultivated lands conservation benefits western burrowing owl, the Plan's biological goals and objectives further specify that, of the cultivated lands protected in the late long-term, at least 1,000 acres would be protected in CZs 1 and 11 that support high-value burrowing owl habitat and are within 0.5 miles of high-value grassland habitat or occupied low-value habitat (Objective WBO1.1). Under *CM11 Natural Communities Enhancement and Management*, small mammal and insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). In addition, burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning, Objectives ASWNC2.3, VPNC2.4, GNC2.3).

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the protection of an estimated 33,766 acres of western burrowing owl habitat (8,589 acres high-value and 25,177 acres low-value habitat) and restoration of 1,645 acres of western burrowing owl habitat (1,642 acres high-value and 3 acres low-value habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, *AMM23 Western Burrowing Owl,* and Mitigation Measure BIO-91, *Compensate for Near-Term Loss of High-Value Western Burrowing Owl Habitat*, which would be available to guide the near-term protection and management of cultivated lands, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on western burrowing owl.

Mitigation Measure BIO-91: Compensate for Near-Term Loss of High-Value Western Burrowing Owl Habitat

Because the BDCP lacks an acreage commitment for specific crop types that would be ~~protected and~~ managed within the 15,400 acres of cultivated lands protected in the near-term time period, DWR will compensate for the loss of high-value burrowing owl habitat with high-value natural communities or cultivated crop types a ratio of 2:1 in the near-term time period.

Impact BIO-92: Effects on Western Burrowing Owl Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes and/or electrocution, which could result in injury or mortality of western burrowing owl. The species is large-bodied but with relatively long and rounded wings, making it moderately maneuverable. While burrowing owls may nest in loose colonies, they do not flock or congregate in roosts or foraging groups. Collectively, the species' keen eyesight and largely ground-based hunting behavior make it a relatively low-risk species for powerline collision. While the species in not widespread in the study area, it may become more widely distributed as grassland enhancement improves habitat for the species. Even so, the risk of effects on the population are low, given its physical and behavioral characteristics (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). and new transmission lines would not be expected to have an adverse effect on the species. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new project transmission lines would be fitted with flight diverters. Bird flight diverters would make transmission lines highly visible to western burrowing owls and would further reduce any potential for powerline collisions.

NEPA Effects: The construction and presence of new transmission lines would not result in an adverse effect on western burrowing owl because the risk of bird strike is considered to be minimal based on the owl's physical and behavioral characteristics. All new transmission lines constructed as a result of the project would be fitted with bird diverters (*AMM20 Greater Sandhill Crane*), which have been shown to reduce avian mortality by 60%, which would further reduce any potential for powerline collisions.

CEQA Conclusion: The construction and presence of new transmission lines would have a less-than-significant impact on western burrowing owl because the risk of bird strike is considered to be minimal based on the owl's physical and behavioral characteristics. All new transmission lines constructed as a result of the project would be fitted with bird diverters (*AMM20 Greater Sandhill Crane*), which have been shown to reduce avian mortality by 60%, which would further reduce any potential for powerline collisions.

Impact BIO-93: Indirect Effects of Plan Implementation on Western Burrowing Owl

Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect western burrowing owl use of up to 13,922 acres of modeled burrowing owl habitat (6,113 acres of high-value habitat) within 500 feet of covered activities will temporarily be made less suitable as a result of construction noise and visual disturbances adjacent to proposed construction areas. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations.

Any disturbance within 250 feet of a burrow occupied by burrowing owl during the breeding season (February 1–August 31) and within 160 feet during the nonbreeding season (September 1–January 31) could potential displace winter owls or cause abandonment of active nests. These potential effects would be minimized with incorporation of *AMM23 Western Burrowing Owl* into the BDCP, which would require preconstruction surveys and establish no-disturbance buffers around active burrows. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect western burrowing owl.

The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect western burrowing owl in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to western burrowing owl habitat could also affect the species. AMM1–AMM7 in addition to *AMM23 Western Burrowing Owl* would minimize the likelihood of such spills and ensure that measures were in place to prevent runoff from the construction area and any adverse effects of dust on active nests.

NEPA Effects: Indirect effects on western burrowing owl as a result of Alternative 4 implementation could have adverse effects on this species through the modification of habitat and potential for direct mortality. Construction of the new forebay in CZ 8 would have the potential to disrupt nesting owls or active burrows in the high-value grassland habitat surrounding Clifton Court Forebay and adjacent to work area. With the implementation of AMM1–AMM7, and *AMM23 Western Burrowing Owl*, the indirect effects from Alternative 4 implementation would not be adverse under NEPA.

CEQA Conclusion: Indirect effects on western burrowing owl as a result of Alternative 4 implementation could have significant impacts on these species through the modification of habitat and potential for direct mortality. Construction of the new forebay in CZ 8 would have the potential to disrupt nesting owls or active burrows in the high-value grassland habitat surrounding Clifton Court Forebay and adjacent to work areas. With the implementation of AMM1–AMM7 and *AMM23 Western Burrowing Owl*, the indirect effects resulting from Alternative 4 implementation would have a less-than-significant impact on western burrowing owl.

Impact BIO-94: Periodic Effects of Inundation on Western Burrowing Owl Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 1,390–3,303 acres of high-value habitat and 1,522–2,927 acres of low-value habitat (Table 12-4-39).

Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 6,941 acres of modeled habitat (6,162 acres, of which would be low-value foraging habitat; Table 12-4-39).

Burrowing owls cannot use inundated areas for foraging or nesting, and increased inundation frequency and duration of cultivated lands and grassland habitats may affect prey populations that have insufficient time to recover following inundation events. Depending on timing, seasonal inundation of western burrowing owl habitat could result in displacement from nesting burrows or drowning of individuals. The potential for this effect is considered low because suitable burrow sites would most likely be located along setback levees, which are expected to be subject to inundation less frequently than floodplain surfaces that would be less likely to support suitable nesting burrows.

NEPA Effects: The periodically inundated habitat would not be expected to have an adverse effect on the population. The potential for direct mortality of western burrowing owl caused by inundation would be low because the locations of burrows would likely be above elevations consistently subject to inundation; therefore, the potential impact would not be adverse.

CEQA Conclusion: The potential for direct mortality of western burrowing owl caused by inundation would be low because the locations of burrows would likely be above elevations consistently subject to inundation. Therefore, periodic inundation would be expected to have a less-than-significant impact on the population.

Western Yellow-Billed Cuckoo

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on western yellow-billed cuckoo. The habitat model for Western yellow-billed cuckoo includes potential breeding habitat, which includes plant alliances from the valley/foothill riparian modeled habitat that contain a dense forest canopy for foraging with understory willow for nesting, and a minimum patch size of 50 acres, and migratory habitat, which includes the same plant alliances as breeding habitat without the minimum 50 acres patch size requirement.

The western yellow-billed cuckoo is uncommon in the study area at present, and the likelihood that it would be found using the modeled habitat is low relative to more abundant riparian species. Nesting of the species in the study area has not been confirmed for approximately 100 years. Western yellow-billed cuckoo was detected in the study area during 2009 DHCCP surveys, but nesting was not confirmed and the bird is suspected to have been a migrant (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS). Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of Western yellow-billed cuckoo modeled habitat as indicated in Table 12-4-40. Full implementation Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the western yellow-billed cuckoo (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Maintain at least 500 acres of mature riparian forest in CZ 4 or CZ 7 (Objective VFRNC2.3, associated with CM3 and CM7).
- Maintain the at least 500 acres of mature riparian forest (VFRNC2.3) intermixed with a portion of the early- to mid-successional riparian vegetation (VFRNC2.2) in large blocks with a minimum patch size of 50 acres and minimum width of 330 feet (Objective VFRNC2.4, associated with CM3 and CM7).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance these natural communities for the species and implementation of AMM1–AMM7*, AMM10 Restoration of Temporarily Affected Natural Communities,* and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, impacts on Western yellow-billed cuckoo would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-40. Changes in Western Yellow-Billed Cuckoo Modeled Habitat Associated with Alternative 4 (acres)[a]

		Permanent		Temporary		Periodic[d]	
Conservation Measure[b]	Habitat Type	NT	LLT	NT	LLT	CM2	CM5
CM1	Breeding	6	6	4	4	NA	NA
	Migratory	18	18	19	19	NA	NA
Total Impacts CM1		**24**	**24**	**23**	**23**		
CM2–CM18	Breeding	29	142	5	10	11-20	17
	Migratory	278	383	83	94	37-64	125
Total Impacts CM2–CM18		**307**	**525**	**88**	**104**	**48-84**	**142**
Total Breeding		**35**	**148**	**9**	**14**		
Total Migratory		**296**	**401**	**102**	**113**		
TOTAL IMPACTS		**331**	**549**	**111**	**127**	**48-84**	**142**

[a] See Appendix 12E*, Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-95: Loss or Conversion of Habitat for and Direct Mortality of Western Yellow-Billed Cuckoo

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~671~~ 676 acres of modeled habitat for western yellow-billed cuckoo (162 acres of breeding habitat, 514~~20~~ acres of migratory habitat, Table 12-4-40). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Fremont Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), and floodplain restoration (CM5). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate western yellow-billed cuckoo modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 10 acres of breeding habitat (~~9~~ 6 acres of permanent loss, ~~1~~ 4 acres of temporary loss) for yellow-billed cuckoo. In addition, ~~32~~ 37 acres of migratory habitat would be removed (~~14~~ 18 acres of permanent loss, ~~18~~ 19 acres of temporary loss, see Table 12-4-40). Activities that would impact modeled habitat consist of tunnel, forebay, and intake construction, permanent and temporary access roads, ~~and~~ construction of transmission lines, and temporary barge unloading facilities and work areas. Impacts from CM1 would occur in the central delta in CZs 3- 6, and 8. Permanent habitat loss would occur from the construction of Intakes 2, 3, and 5 on the east bank of the Sacramento River between Freeport and Courtland. Some habitat would also be impacted by the construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Additional losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough and where temporary work areas surround intake sites. Permanent and temporary habitat losses from the above CMs, would primarily consist of small, fragmented riparian stands in CZ 2–CZ 8 that do not provide high-value habitat for the species. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. The majority of the riparian vegetation to be temporarily removed is early- to mid-successional; therefore, the replaced riparian vegetation would be expected to have structural components comparable to the temporarily removed vegetation within the first 5 to 10 years after the initial restoration activities are complete.

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  There are no extant occurrences of yellow-billed cuckoo nests in the study area~~.~~;~~H~~however, habitat loss from the construction of CM1 facilities would have the potential to displace individuals, if present, and remove the functions and value of modeled habitat for nesting, protection, or foraging. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* (Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) would minimize the effects of construction on nesting cuckoos if present in the area. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the loss of approximately 31 acres of breeding habitat (26 acres of permanent loss and 5 acres of temporary loss) and 140 acres of migratory habitat (57 acres of permanent loss and 83 acres of temporary loss)for yellow-billed cuckoo in the Yolo Bypass in CZ 2. The loss is expected to occur during the first 10 years of Alternative 4 implementation. There are no extant occurrences of yellow-billed cuckoo nesting in the study area.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 110 acres of modeled yellow-billed cuckoo breeding habitat and 310 acres of modeled migratory habitat in CZ 1, 2, 6, and 11. There are no extant nesting records of yellow-billed cuckoo in the study area. However, a yellow-billed cuckoo detection was recorded during DHCCP surveys in 2009 (Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS) in CZ 5 between Twin Cities Road and Walnut Grove. These detections do not overlap with the hypothetical restoration areas for CM4.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 11 acres of modeled yellow-billed cuckoo breeding habitat (6 acres of permanent loss and 5 acres of temporary loss) and 27 acres of migratory habitat (16 acres of permanent loss and 11 acres of temporary loss) in CZ 7. Based on the riparian habitat restoration assumptions, approximately 3,000 acres of valley/foothill riparian habitat would be restored as a component of seasonally inundated floodplain restoration actions. The actual number of acres that would be restored may differ from these estimates, depending on how closely the outcome of seasonally inundated floodplain restoration approximates the assumed outcome. Once this restored riparian vegetation has developed habitat functions, a portion of it would be suitable to support western yellow-billed cuckoo habitat once the riparian vegetation has developed habitat functions for the cuckoo.

- *CM11 Natural Communities Enhancement and Management*: Habitat protection and management activities that could be implemented in protected western yellow-billed cuckoo habitats would maintain and improve the functions of the habitat over the term of the BDCP. With conditions favorable for its future establishment in the study area, western yellow-billed cuckoo would be expected to benefit from the increase in protected habitat. However, habitat management- and enhancement-related activities could disturb western yellow-billed cuckoo nests if they were present near work sites. CM11 actions designed to enhance wildlife values in restored riparian habitats may result in localized ground disturbances that could temporarily remove small amounts of western yellow-billed cuckoo habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available western yellow-billed cuckoo habitat and would be expected to result in overall improvements and maintenance of western yellow-billed cuckoo habitat values over the term of the BDCP.

- ~~Permanent and temporary habitat losses from the above CMs, would primarily consist of small, fragmented riparian stands in CZ 2–CZ 8 that do not provide high-value habitat for the species. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities. Although the effects are considered temporary, the restored riparian habitat would require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. The majority of the riparian vegetation to be temporarily removed is early- to mid-successional; therefore, the replaced riparian vegetation would be expected to have structural components comparable to the temporarily removed vegetation within the first 5 to 10 years after the initial restoration activities are complete.~~

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect western yellow-billed cuckoo use of the surrounding habitat.

Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Western yellow-billed cuckoo nesting has not been confirmed in the Delta for approximately 100 years. However, an unconfirmed breeding detection in 2009 in DHCCP surveys (Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS) and the present of suitable habitat indicates that the species is potentially breeding in the study area, or may nest there in the future. Construction-related activities would not be expected to result in direct mortality of adult or fledged western yellow-billed cuckoo if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. Although there is minimal habitat in the Plan Area that is of appropriate width, and suitable understory to support nesting cuckoos, if ~~If~~ western yellow-billed cuckoo were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. These effects would be avoided and minimized with the incorporation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove ~~437~~ 442 acres of modeled habitat for yellow-billed cuckoo in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~42~~ 47 acres of modeled breeding and migratory habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—395 acres of modeled nesting and migratory habitat). These habitat losses would primarily consist of small, fragmented riparian stands in CZ 2-CZ 8 that do not provide high-value habitat for the species.

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for yellow-billed cuckoo in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~42~~ 47 acres of valley/foothill riparian habitat should be restored/created and ~~42~~ 47 acres should be protected to compensate for the CM1 losses of yellow-billed cuckoo habitat. The near-term effects of other conservation actions would remove 395 acres of modeled habitat, and therefore require 395 acres of restoration and 395 acres of protection of valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on yellow-billed cuckoo. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of conservation actions for the species.

The acres of protection contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts. However, the restored riparian habitat would require several years (early-mid successional) and several decades (mature riparian forest), for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. Because the western yellow-billed cuckoo is not known to be an established breeder in the study area, the time lag in riparian restoration from BDCP actions would not be expected to have an adverse population-level effect on the species. Overall, BDCP riparian habitat restoration actions would be expected to benefit western yellow-billed cuckoo by increasing opportunities for a breeding population to become reestablished in the study area.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 12,395 acres of modeled breeding and migratory habitat for yellow-billed cuckoo. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~671~~ 676 acres of modeled habitat (5% of the modeled habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, and CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). In addition, at least 500 acres of mature riparian forest would be maintained in CZ 4 or CZ 7(Objective VFRNC2.3). This mature, riparian forest would be mixed with a portion of the early- to mid-successional riparian vegetation in large blocks with a minimum patch size of 50 acres and a minimum width of 330 feet (Objective VFRNC2.2 and VFRNC2.4), which would provide suitable nesting habitat for the cuckoo. The protection of 750 acres of existing valley/foothill riparian forest in CZ 7 would not provide in its entirety the vegetative structure needed to support these species, because patch sizes may not be large enough to support yellow-billed cuckoo breeding habitat. However, a portion of the protected habitat would provide suitable habitat for the species. Restoration actions through CM7 and CM11 would expand the patches of existing riparian forest in order to support the species should they become established breeders in the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 3,397 acres and the protection of 517 acres of habitat for the yellow-billed cuckoo.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of western yellow-billed cuckoo habitat associated with Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, the species is not an established breeder in the study area and current presence is limited to migrants. In addition, the habitat that would be lost consists of small, fragmented riparian stands that do not provide high-value habitat for the species. With habitat protection and restoration associated with CM3, CM7, and CM11, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss and potential mortality on western yellow-billed cuckoo under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove ~~437~~ 442 acres of modeled habitat for yellow-billed cuckoo in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~42~~ 47 acres of modeled breeding and migratory habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—395 acres of modeled nesting and migratory habitat). These habitat losses would primarily consist of small, fragmented riparian stands in CZ 2-CZ 8 that do not provide high-value habitat for the species.

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for yellow-billed cuckoo in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~42~~ 47 acres of valley/foothill riparian habitat should be restored/created and ~~42~~ 47 acres should be protected to mitigate the CM1 losses of yellow-billed cuckoo habitat. The near-term effects of other conservation actions would remove 395 acres of modeled habitat, and therefore require 395 acres of restoration and 395 acres of protection of valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the study area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on yellow-billed cuckoo. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft EIR/EIS). Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of conservation actions for the species.

The acres of protection contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts. However, the restored riparian habitat would require several years (early-mid successional) and several decades (mature riparian forest), for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. Because the western yellow-billed cuckoo is not known to be an established breeder in the study area, the time lag in riparian restoration from BDCP actions would not be expected to have an adverse population-level effect on the species. Overall, BDCP riparian habitat restoration actions would be expected to benefit western yellow-billed cuckoo by increasing opportunities for a breeding population to become reestablished in the study area.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the loss of western yellow-billed cuckoo habitat associated with Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special-status species. However, the species is not an established breeder in the study area and current presence is limited to migrants. In addition, the habitat that would be lost consists of small, fragmented riparian stands that do not provide high-value habitat for the species. With habitat protection and restoration associated with CM3, CM7, and CM11, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities, the effects of habitat loss and potential mortality on western yellow-billed cuckoo under Alternative 4 would be less-than-significant.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 12,395 acres of modeled breeding and migratory habitat for yellow-billed cuckoo. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~671~~ 676 acres of modeled habitat (5% of the modeled habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). In addition, at least 500 acres of mature riparian forest would be maintained in CZ 4 or CZ 7(Objective VFRNC2.3). This mature, riparian forest would be mixed with a portion of the early- to mid-successional riparian vegetation in large blocks with a minimum patch size of 50 acres and a minimum width of 330 feet (Objective VFRNC2.2 and VFRNC2.4), which would provide suitable nesting habitat for the cuckoo. The protection of 750 acres of existing valley/foothill riparian forest in CZ 7 would not provide in its entirety the vegetative structure needed to support these species, because patch sizes may not be large enough to support yellow-billed cuckoo breeding habitat. However, a portion of the protected habitat would provide suitable habitat for the species. Restoration actions through CM7 and CM11 would expand the patches of existing riparian forest in order to support the species should they become established breeders in the study area.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 3,397 acres and the protection of 517 acres of habitat for the yellow-billed cuckoo.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention*

Plan, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Pla*n, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, effects on Western yellow-billed cuckoo from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special-status species; however, c~~C~~onsidering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for the time lag of restoring habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on western yellow-billed cuckoo.

Impact BIO-96: Fragmentation of Western Yellow-Billed Cuckoo Habitat as a Result of Constructing the Water Conveyance Facilities

Grading, filling, contouring, and other initial ground-disturbing operations for water conveyance facilities construction may temporarily fragment modeled western yellow-billed cuckoo habitat. This could temporarily reduce the extent and functions supported by the affected habitat. Because western yellow-billed cuckoo is not currently known to breed in the study area, and the protection and restoration of riparian habitat will expand contiguous habitat block requirements, habitat fragmentation would have a~~present in the study area~~, ~~and because the implementation of *CM5 Seasonally Inundated Floodplain Restoration* would protect and create contiguous high-value riparian habitat, any such habitat fragmentation is expected to have no or~~ minimal effect on the species.

NEPA Effects: Fragmentation of habitat would not have an adverse effect on western yellow-billed cuckoo. The habitat functions in the study area for the species would be greatly improved through the implementation of CM5, which would restore and protect large contiguous patches of riparian habitat.

CEQA Conclusion: Fragmentation of habitat would have a less-than-significant impact on western yellow-billed cuckoo. The habitat functions in the study area for the species would be greatly improved through the implementation of CM5, which would restore and protect large contiguous patches of riparian habitat.

Impact BIO-97: Effects on Western Yellow-Billed Cuckoo Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of western yellow-billed cuckoo. Because the western yellow-billed cuckoo uses riparian forests to meet all of its breeding and wintering life requisites, the species remains primarily within the canopy of riparian forests and rarely ventures into open spaces except during migration, limiting its opportunity to encounter the proposed transmission lines. As a summer resident, if the species were to occur~~s~~ in the study area, it would be during periods of relatively high visibility and clear weather conditions, thus further reducing collision risk from daily use patterns or seasonal migration flights. Finally, western yellow-billed cuckoo wing shape is characterized by low wing loading and a moderate aspect ratio, making the species moderately maneuverable and presumably able to avoid collisions, especially during high-visibility conditions (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*).

Transmission line poles and towers also provide perching substrate for raptors, which are predators on western yellow-billed cuckoo. Although there is potential for transmission lines to result in increased perching opportunities for raptors, the existing network of transmission lines in the study area currently poses these risks and any incremental risk associated with the new power line corridors would not be expected to affect the population. In addition, the transmission lines that would be constructed in the vicinity of modeled western yellow-billed cuckoo habitat would be temporary and would be removed within 10-14 years of Alternative 4 implementation. Because there is low probability for the species to occur in the study area, and because the transmission lines that would be constructed near modeled habitat would be temporary, any increase in predation risk on western yellow-billed cuckoo from an increase in raptor perching opportunities is minimal.~~which could result in increased predation pressure on western yellow-billed cuckoo if they were to use habitat adjacent to lines.~~

NEPA Effects: The risk of bird-strike is considered to be minimal based on the species' rarity in the study area, its proclivity to remain in the riparian canopy, its presence in the study area during periods of relative high visibility, and its overall ability to successfully negotiate around overhead wires that it may encounter. Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on western yellow-billed cuckoo. However, because there is a low probability for the species to occur in the study area, and because the transmission lines that would be constructed near modeled habitat would be temporary, any increase in predation risk on western yellow-billed cuckoo from an increase in raptor perching opportunities is minimal. Therefore the construction and operation of new transmission lines under Alternative 4 ~~This~~ would not ~~be expected to have~~result in an adverse effect on ~~the~~ western yellow-billed cuckoo ~~population~~.

CEQA Conclusion: The construction and presence of new transmission lines would have a less-than-significant impact on western yellow-billed cuckoo because the risk of bird-strike is considered to be minimal based on the species' rarity in the study area, its proclivity to remain in the riparian canopy, its presence during periods of relative high visibility, and its overall ability to successfully negotiate around overhead wires that it may encounter. Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on western yellow-billed cuckoo. However, because there is a low probability for the species to occur in the study area, and because the transmission lines that would be constructed near modeled habitat would be temporary, any increase in predation risk on western yellow-billed cuckoo from an increase in raptor perching opportunities is minimal. Therefore the construction and operation of new transmission lines under Alternative 4 would result in ~~Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on western yellow-billed cuckoo. This would be expected to have~~ a less-than-significant impact on ~~the~~ western yellow-billed cuckoo ~~population~~.

Impact BIO-98: Indirect Effects of Plan Implementation on Western Yellow-Billed Cuckoo

Construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect western yellow-billed cuckoo use of modeled habitat adjacent to proposed construction areas. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect western yellow-billed cuckoo. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet from the construction edge. If western yellow-billed cuckoo were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. These potential effects would be minimized with incorporation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect western yellow-billed cuckoo in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to western yellow-billed cuckoo habitat could also affect the species. AMM1–AMM7, ~~including *AMM2 Construction Best Management Practices and Monitoring*,~~ AMM10, in addition to *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would minimize the likelihood of such spills from occurring and ensure that measures were in place to prevent runoff from the construction area and any adverse effects of dust on active nests.

***NEPA Effects*:** Indirect effects on western yellow-billed cuckoo as a result of Alternative 4 implementation could have adverse effects on the species through the modification of habitat and potential for direct mortality. However, due to the species' minimal presence in the study area, and with the incorporation of AMM1–AMM7 and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP, indirect effects would not have an adverse effect on western yellow-billed cuckoo.

***CEQA Conclusion*:** Indirect effects on western yellow-billed cuckoo as a result of Alternative 4 implementation could have a significant impact on the species from modification of habitat. With the incorporation of AMM1–AMM7 and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP, indirect effects as a result of Alternative 4 implementation would have a less-than-significant impact on western yellow-billed cuckoo.

Impact BIO-99: Periodic Effects of Inundation of Western Yellow-Billed Cuckoo Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (CM2) would increase the frequency and duration of inundation of approximately 11-20 acres of modeled western yellow-billed cuckoo breeding habitat and 37–64 acres of modeled migratory habitat. No adverse effects of increased inundation frequency on western yellow-billed cuckoo or its habitat are expected because the cuckoo breeding period is outside the period the weir would be operated. In addition, riparian vegetation supporting habitat has persisted under the existing Yolo Bypass flooding regime, and changes to frequency and inundation would be within the tolerance of these vegetation types.

Based on hypothetical floodplain restoration, CM5 implementation could result in periodic inundation of up to 142 acres of modeled western yellow-billed cuckoo habitat (17 acres of breeding habitat, 125 acres of migratory habitat). Inundation of restored floodplains is not expected to affect western yellow-billed cuckoo or its habitat adversely because the cuckoo breeding period is outside the period the floodplains would likely be inundated, and periodic inundation of floodplains is expected to restore a more natural flood regime in support of riparian vegetation types that provide nesting and migratory habitat for western yellow-billed cuckoo. The overall effect of seasonal inundation in existing riparian natural communities is likely to be beneficial for western yellow-billed cuckoo, because, historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants.

NEPA Effects: Periodic effects of inundation would not have an adverse on yellow-billed cuckoo if they were to establish as breeders in the study area, because flooding is expected to occur outside of the breeding season.

CEQA Conclusion: Periodic effects of inundation would have a less-than-significant impact on yellow-billed cuckoos if they were to establish as breeders in the study area, because flooding is expected to occur outside of the breeding season.

White-Tailed Kite

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on white-tailed kite. The habitat model used to assess impacts on white-tailed kite includes nesting habitat and foraging habitat. Most white-tailed kites in the Sacramento Valley are found in oak and cottonwood riparian forests, valley oak woodlands, or other groups of trees and are usually associated with compatible foraging habitat for the species in patches greater than 1,500 square meters (Erichsen et al. 1996). Modeled foraging habitat for white-tailed kite consists of pasture and hay crops, compatible row and grain crops and natural vegetation such as seasonal wetlands and annual grasslands (Erichsen et al. 1995).

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of white-tailed kite modeled habitat as indicated in Table 12-4-41. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Although restoration for the loss of nesting and foraging habitat would be initiated in the same timeframe as the losses, it could take one or more decades (for nesting habitat) for restored habitats to replace the functions of habitat lost. This time lag between impacts and restoration of habitat function would be minimized by specific requirements of ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite*, including the planting of mature trees in the near-term time period. Full implementation of Alternative 4 would also include the following biological objectives over the term of the BDCP to benefit the white-tailed kite (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).

- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Plant and maintain native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SH2.1, associated with CM11).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands within the reserve system including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).
- Establish 20- to 30- foot-wide hedgerows along fields and roadsides to promote prey populations throughout protected cultivated lands (Objective SH2.2, associated with CM11)

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance these natural communities for the species and implementation of AMM1–AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities ,* and *~~AMM18~~ AMM39 ~~Swainson's Hawk and~~ White-Tailed Kite,* impacts on white-tailed kite would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-41. Changes in White-Tailed Kite Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT	NT	LLT	CM2	CM5
CM1	Nesting	31	31	21	21	NA	NA
	Foraging	3,420	3,420	1,181	1,181	NA	NA
Total Impacts CM1		**3,451**	**3,451**	**1,202**	**1,202**		
CM2–CM18	Nesting	312	507	88	121	48–82	230
	Foraging	8,723	52,675	516	1,484	3,030–6,651	7,402
Total Impacts CM2–CM18		**9,035**	**53,182**	**604**	**1,605**	**3,078–6,733**	**7,632**
Total Nesting		**343**	**538**	**109**	**142**		
Total Foraging		**12,143**	**56,095**	**1,697**	**2,665**		
TOTAL IMPACTS		**12,486**	**56,663**	**1,806**	**2,807**	**3,078–6,733**	**7,632**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-100: Loss or Conversion of Habitat for and Direct Mortality of White-Tailed Kite

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~60~~59,470 acres of modeled habitat (~~677~~ 680 acres of nesting habitat and ~~59,793~~58,760 acres of foraging habitat) for white-tailed kite (Table 12-4-41). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration, (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), and construction of conservation hatcheries (CM18). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could affect white-tailed kite modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 water conveyance facilities would result in the combined permanent and temporary loss of up to ~~49~~ 52 acres of white-tailed kite nesting habitat (~~26~~ 31 acres of permanent loss and ~~23~~ 21 acres of temporary loss). In addition, ~~5,634~~4,601 acres of foraging habitat would be removed (~~4,339~~3,420 acres of permanent loss, ~~1,295~~1,181 acres of temporary loss). Activities that would impact modeled white-tailed kite habitat consist of tunnel, forebay, and intake construction, temporary access roads, and construction of transmission lines. Most of the permanent loss of nesting habitat would occur where Intakes 1–3 impact the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees. Some nesting habitat would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Permanent losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of nesting habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough ~~Temporary losses of nesting habitat would occur where pipelines cross Snodgrass Slough and other small waterways east of the Sacramento River,~~ and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation. There are no occurrences of nesting white-tailed kite that overlap with the construction footprint of CM1. The implementation of ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite* (Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) would minimize the effects of construction on kites if they were to nest in the area. Impacts on foraging habitat would occur throughout the central Delta in CZs 3- 6, and CZ 8. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 170 acres of nesting habitat (82 acres of permanent loss, 88 acres of temporary loss) in the Yolo Bypass in CZ 2. In addition, 1,525 acres of foraging habitat would be removed (1,008 acres of permanent loss, 516 acres of temporary loss). Activities through CM2 could involve excavation and grading in valley/foothill riparian areas to improve passage of fish through the bypasses. Most of the riparian losses would occur at the north end of Yolo Bypass where major fish passage improvements are planned. Excavation to improve water movement in the Toe Drain and in the Sacramento Weir would also remove white-tailed kite habitat. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 383 acres of white-tailed kite nesting habitat and 41,625 acres of foraging habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh. The conversion of cultivated lands to tidal wetlands over fairly broad areas within the tidal restoration footprints could result in the removal or abandonment of nesting territories that occur within or adjacent to the restoration areas. Trees would not be actively removed but tree mortality would be expected over time as areas became tidally inundated. Depending on the extent and value of remaining habitat, this could reduce the local nesting population.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain and riparian restoration actions would remove approximately 75 acres of white-tailed kite nesting habitat (42 acres of permanent loss, 33 acres of temporary loss) and 2,675 acres of foraging habitat (1,706 acres of permanent loss, 968 acres of temporary loss). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.
- *CM7 Riparian Natural Community Restoration:* Riparian restoration would permanently remove approximately 971 acres of white-tailed kite foraging habitat as part of tidal restoration and 3,991 acres as part of seasonal floodplain restoration through CM7.
- *CM8 Grassland Natural Community Restoration*: Restoration of grassland is expected to be implemented on agricultural lands and would result in the conversion of 1,849 acres of white-tailed kite agricultural foraging habitat to grassland foraging habitat in CZs 1, 2, 4, 5, 7, 8, and 11. If agricultural lands supporting higher value foraging habitat than the restored grassland were removed, there would be a loss of white-tailed kite foraging habitat value.
- *CM10 Nontidal Marsh Restoration*: Restoration and creation of nontidal freshwater marsh would result in the permanent conversion of 1,440 acres of cultivated lands to nontidal marsh in CZ 2 and CZ 4. This would not result in a loss of foraging habitat as both natural communities are foraging habitat for white-tailed kite. Small patches of riparian vegetation that support White-tailed kite nesting habitat may develop along the margins of restored nontidal marsh restoration would also provide foraging habitat for the species.
- *CM11 Natural Communities Enhancement and Management*: Habitat management- and enhancement-related activities could disturb white-tailed kite nests if they were present near work sites. A variety of habitat management actions that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of white-tailed kite habitat and reduce the functions of habitat until restoration is complete. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available white-tailed kite habitat and are expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, *AMM39 White-Tailed Kite* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of white-tailed kite grassland foraging habitat would be lost from the construction of trails and facilities.
- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of high-white-tailed kite foraging habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1. The loss is expected to occur during the first 10 years of Plan implementation.

Permanent and temporary white-tailed kite nesting habitat losses from the above conservation measures, would primarily consist of small, fragmented riparian stands. Temporarily affected nesting habitat would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. The restored riparian habitat would require 1 to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by white-tailed kite. *~~AMM18~~ AMM39 ~~Swainson's Hawk and~~ White-Tailed Kite* contains actions described below to reduce the effect of temporal loss of nesting habitat, including the transplanting of mature trees and planting of trees near high-value foraging habitat. The functions of agricultural and grassland communities that provide foraging habitat for white-tailed kite are expected to be restored relatively quickly.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect white-tailed kite use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7 and *~~AMM18~~ AMM39 ~~Swainson's Hawk and~~ White-Tailed Kite* in addition to conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged white-tailed kite if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. However, if white-tailed kite were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could affect nests or lead to their abandonment, potentially resulting in mortality of eggs and nestlings. These effects would be avoided and minimized with the incorporation of *~~AMM18~~ AMM39 ~~Swainson's Hawk and~~ White-Tailed Kite* into the BDCP.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effect of construction would not be adverse under NEPA. Alternative 4 would remove ~~449~~ 452 acres (~~338~~ 343 acres of permanent loss, ~~111~~ 109 acres of temporary loss) of white-tailed kite nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~49~~ 52 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—400 acres). In addition, ~~14,873~~13,840 acres (12,143 acres of permanent loss, 1,697 acres of temporary loss) of white-tailed kite foraging habitat would be removed or converted in the near-term (CM1, ~~5,634~~4,601 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—9,239 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for white-tailed kite in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for nesting habitat, and 1:1 protection for foraging habitat. Using these ratios would indicate that ~~49~~ 52 acres of nesting habitat should be restored/ created and ~~49~~ 52 acres should be protected to mitigate the CM1 losses of white-tailed kite nesting habitat. In addition, ~~5,634~~4,601 acres should be protected to compensate for the CM1 losses of white-tailed kite foraging habitat. The near-term effects of other conservation actions would remove 400 acres of modeled nesting habitat, and therefore require 400 acres of restoration and 400 acres of protection of nesting habitat. Similarly, the near-term effects of other conservation actions would result in the loss or conversion of 9,239 acres of modeled foraging habitat, and therefore require 9,239 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection of nesting habitat; 1:1 for restoration and 1:1 for protection of foraging habitat).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, and restoring 19,150 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM7, and CM8 and would occur in the same timeframe as the construction and early restoration losses.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. White-tailed kite is excluded from narrow bands of riparian vegetation by Swainson's hawks and therefore requires wide patches of nesting habitat where its range overlaps with Swainson's hawk. The distribution and abundance of potential white-tailed kite nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for white-tailed kite and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for white-tailed kite as prey species recolonize the fields (Objective MWNC1.1). In addition, the restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide high-value foraging habitat for the white-tailed kite. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on white-tailed kite foraging habitat, as well as mitigate the near-term effects of the other conservation measures.

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on white-tailed kite nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by white-tailed kites. This time lag between the removal and restoration of nesting habitat could have a substantial impact on white-tailed kite in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active white-tailed kite nests within the study area until restored riparian habitat is sufficiently developed.

~~AMM18~~ AMM39 ~~Swainson's Hawk and~~ White-Tailed Kite would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in areas that support high value foraging habitat in clumps of at least three trees each at appropriate sites within or adjacent to conserved cultivated lands, or they could be incorporated as a component of the riparian restoration (CM5, CM7) where they are in close proximity to suitable foraging habitat. Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the lands protected as foraging habitat for white-tailed kite. With this program in place, Alternative 4 would not have a substantial adverse effect on white-tailed kite in the near-term timeframe, either through direct mortality or through habitat modifications.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 14,069 acres of modeled nesting habitat and 507,922 acres of modeled foraging habitat for white-tailed kite. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~677~~ 680 acres of potential nesting habitat (5% of the potential nesting habitat in the study area) and the loss or conversion of ~~59,793~~58,760 acres of foraging habitat (12% of the foraging habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration, and CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species, and restore at least 65,000 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. White-tailed kite is excluded from narrow bands of riparian vegetation by Swainson's hawks and therefore requires wide patches of nesting habitat where its range overlaps with Swainson's hawk. The distribution and abundance of potential white-tailed kite nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for white-tailed kite and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for white-tailed kite as prey species recolonize the fields (Objective MWNC1.1). In addition, the restoration of at least 65,000 acres of tidal natural communities, including transitional uplands would provide high-value foraging habitat for the white-tailed kite. At least 45,405 acres of cultivated lands that provide foraging habitat for white-tailed kite would be protected by the late long-term time period (Objective CLNC1.1).

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 3,800 acres and the protection of 570 acres of nesting habitat and the restoration of 49,875 acres and the protection of 2,050 acres of foraging habitat for white-tailed kite.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of white-tailed kite habitat and potential direct mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM5, CM7, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite*, which would be in place throughout the construction period, the effects of habitat loss and potential mortality on white-tailed kite under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effect of construction would be less than significant under CEQA. Alternative 4 would remove ~~449~~ 452 acres (~~338~~ 343 acres of permanent loss, ~~111~~ 109 acres of temporary loss) of white-tailed kite nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~49~~ 52 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—400 acres). In addition, 13,840 ~~14,873~~ acres (12,143 acres of permanent loss, 1,697 acres of temporary loss) of white-tailed kite foraging habitat would be removed or converted in the near-term (CM1, ~~5,634~~4,601 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—9,239 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for white-tailed kite in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for nesting habitat, and 1:1 protection for foraging habitat. Using these ratios would indicate that ~~49~~ 52 acres of nesting habitat should be restored/ created and ~~49~~ 52 acres should be protected to mitigate the CM1 losses of white-tailed kite nesting habitat. In addition, ~~5,634~~4,601 acres should be protected to compensate for the CM1 losses of white-tailed kite foraging habitat. The near-term effects of other conservation actions would remove 400 acres of modeled nesting habitat, and therefore require 400 acres of restoration and 400 acres of protection of nesting habitat. Similarly, the near-term effects of other conservation actions would result in the loss or conversion of 9,239 acres of modeled foraging habitat, and therefore require 9,239 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection of nesting habitat; 1:1 for restoration and 1:1 for protection of foraging habitat).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, and restoring 19,150 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM7, and CM8 and would occur in the same timeframe as the construction and early restoration losses.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. White-tailed kite is excluded from narrow bands of riparian vegetation by Swainson's hawks and therefore requires wide patches of nesting habitat where its range overlaps with Swainson's hawk. The distribution and abundance of potential white-tailed kite nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for white-tailed kite and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for white-tailed kite as prey species recolonize the fields (Objective MWNC1.1). In addition, the restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide high-value foraging habitat for the white-tailed kite. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on white-tailed kite foraging habitat, as well as mitigate the near-term effects of the other conservation measures.

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on white-tailed kite nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by white-tailed kites. This time lag between the removal and restoration of nesting habitat could have a substantial impact on white-tailed kite in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active white-tailed kite nests within the study area until restored riparian habitat is sufficiently developed.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite* would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in areas that support high value foraging habitat in clumps of at least three trees each at appropriate sites within or adjacent to conserved cultivated lands, or they could be incorporated as a component of the riparian restoration (CM5, CM7) where they are in close proximity to suitable foraging habitat. Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the lands protected as foraging habitat for white-tailed kite.

To enhance white-tailed kite reproductive output until the replacement nest trees become suitable for nesting, 100 acres of high-quality foraging habitat (alfalfa rotation) would be protected in the near-term for each potential nest site removed (a nest site is defined as a 125-acre block in which more than 50% of nest trees are 20 feet or greater in height) as a result of construction activity during the near-term. The foraging habitat to be protected would be within 6 kilometers of the removed tree within an otherwise suitable foraging landscape and on land not subject to threat of seasonal flooding, construction disturbances, or other conditions that would reduce the foraging value of the land. With this program in place, Alternative 4 would not have a substantial adverse effect on white-tailed kite in the near-term timeframe, either through direct mortality or through habitat modifications. Therefore, Alternative 4 would have a less-than-significant impact on Swainson's hawks.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

The study area supports approximately 14,069 acres of modeled nesting habitat and 507,922 acres of modeled foraging habitat for white-tailed kite. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~677~~ 680 acres of potential nesting habitat (5% of the potential nesting habitat in the study area) and the loss or conversion of ~~59,793~~58,760 acres of foraging habitat (12% of the foraging habitat in the study area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, and *CM8 Grassland Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species, and restore at least 65,000 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for the species. White-tailed kite is excluded from narrow bands of riparian vegetation by Swainson's hawks and therefore requires wide patches of nesting habitat where its range overlaps with Swainson's hawk. The distribution and abundance of potential white-tailed kite nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1). In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide foraging habitat for white-tailed kite and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) that dry during the spring would also serve as foraging habitat for white-tailed kite as prey species recolonize the fields (Objective MWNC1.1). In addition, the restoration of at least 65,000 acres of tidal natural communities, including transitional uplands would provide high-value foraging habitat for the white-tailed kite. At least 45,405 acres of cultivated lands that provide foraging habitat for white-tailed kite would be protected by the late long-term time period (Objective CLNC1.1).

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 3,800 acres and the protection of 570 acres of nesting habitat and the restoration of 49,875 acres and the protection of 2,050 acres of foraging habitat for white-tailed kite.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS. ~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

~~Considering~~ In the absence of other conservation actions, the effects on white-tailed kite habitat from Alterative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special status species; however, considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for the time lag of restoring riparian and foraging habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, and ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of white-tailed kite. In particular, 95% of the loss of foraging habitat effects involve the conversion from one habitat type to another form of suitable foraging habitat. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on white-tailed kite.

Impact BIO-101: Effects on White-Tailed Kite Associated with Electrical Transmission Facilities

There are several known occurrences of nesting white-tailed kite within 5 miles of the proposed transmission line alignment. While white-tailed kite flight behavior puts them regularly within the range of heights proposed for the new transmission lines (50 to 110 feet), their keen vision and high maneuverability substantially reduce powerline collision risk for the species. Like other diurnal raptors, white-tailed kites have highly developed eyesight (Jones et al. 2007), allowing them to detect small prey while hunting from relatively high altitudes. Keen eyesight also allows for detection and avoidance of other aerial objects, including above-ground utility lines. Like many other falcons, the white-tailed kite has long, narrow, tapered wings and body size that allow for efficient soaring flight and highly developed aerial maneuverability. White-tailed kite are at low risk of bird strike mortality from the construction of new transmission lines based on its general maneuverability, its keen eyesight, and lack of flocking behavior (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. With the implementation of *AMM20 Greater Sandhill Crane*, all new transmission lines would be fitted with flight diverters, which would substantially reduce any risk of collision with lines.~~New transmission lines would increase the risk that white-tailed kites could be subject to power line strikes and/or electrocution, which could result in injury or mortality of individuals. This species would be at low risk of bird strike mortality based on its general maneuverability, its keen eyesight, and lack of flocking behavior (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). *AMM20 Greater Sandhill Crane* would further reduce any potential effects.~~

NEPA Effects: The construction and presence of new transmission lines would not represent an adverse effect because the risk of bird strike is considered to be minimal based on the species' general maneuverability, keen eyesight, and lack of flocking behavior. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would eliminate or nearly eliminate the risk of mortality from bird strike for white-tailed kite from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on white-tailed kite.~~New transmission lines would minimally increase the risk for white-tailed kite power line strikes. However, the species would be at a low risk of bird strike mortality based on its general maneuverability, its keen eyesight and lack of flocking behavior. With the implementation of *AMM20 Greater Sandhill Crane* the potential effect of the construction of new transmission lines on white-tailed kite would not be adverse.~~

CEQA Conclusion: The construction and presence of new transmission lines would not represent a significant impact because the risk of bird strike is considered to be minimal based on the species' general maneuverability, keen eyesight, and lack of flocking behavior. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would eliminate or nearly eliminate the risk of mortality from bird strike for white-tailed kite from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would result in a less-than-significant impact on white-tailed kite. ~~New transmission lines would~~

~~increase the risk for white-tailed kite power line strikes and/or electrocution. However, the species would be at a low risk of bird strike mortality based on its general maneuverability, its keen eyesight and lack of flocking behavior. *AMM20 Greater Sandhill Crane*, would further reduce any potential impact of the construction of new transmission lines on white-tailed kite to a less-than-significant level.~~

Impact BIO-102: Indirect Effects of Plan Implementation on White-Tailed Kite

White-tailed kite nesting habitat within the vicinity of proposed construction areas could be indirectly affected by construction activities. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect white-tailed kite. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet from the construction edge. If white-tailed kite were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite* would require preconstruction surveys, and if detected, 200-yard no-disturbance buffers would be established around active nests. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect white-tailed kite in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to white-tailed kite habitat could also affect the species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including white-tailed kite. Marsh (tidal and nontidal) and floodplain restoration also have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Increased methylmercury associated with natural community and floodplain restoration may indirectly affect white-tailed kite (see ~~BDCP~~ Appendix 5.D, *Contaminants*, of the Draft BDCP). However, the potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) includes provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on white-tailed kite.

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including white-tailed kite. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on white-tailed kite.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on white-tailed kite from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Noise and visual disturbances from the construction of water conveyance facilities could reduce white-tailed kite use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect white-tailed kite use of the surrounding habitat. Noise, potential spills of hazardous materials, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities under Alternative 4 would not have an adverse effect on white-tailed kite with the implementation of AMM1–AMM7, and ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite.* Tidal habitat restoration could result in increased exposure of white-tailed kite to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. The indirect effects associated with noise and visual disturbances, potential spills of hazardous material, and increased exposure to selenium from Alternative 4 implementation would not have an adverse effect on white-tailed kite. Tidal habitat restoration is unlikely to have an adverse effect on white-tailed kite through increased exposure to methylmercury, as kites currently forage in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS), would address the uncertainty of methylmercury levels in restored tidal marsh. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for white-tailed kite, once site specific sampling and other information could be developed.

CEQA Conclusion: Noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities under Alternative 4 would have a less-than-significant impact on white-tailed kite with the implementation of ~~*AMM18*~~ *AMM39* ~~*Swainson's Hawk and*~~ *White-Tailed Kite*, and AMM1–AMM7. Tidal habitat restoration could result in increased exposure of white-tailed kite to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of white-tailed kite to methylmercury. However, it is unknown what concentrations of methylmercury are harmful to this species. *CM12 Methylmercury Management* includes provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12, would better inform potential impacts and address the uncertainty of methylmercury levels in restored tidal marsh in the study area on white-tailed kite. With these measures in place, the indirect effects associated with noise and visual disturbances, potential spills of hazardous material, and increased exposure to selenium from Alternative 4 implementation would have a less-than-significant impact on white-tailed kite.

Impact BIO-103: Periodic Effects of Inundation of White-Tailed Kite Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (related to *CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 48–82 acres of modeled white-tailed kite nesting habitat and 3,030–6,651 acres of modeled white-tailed kite foraging habitat (Table 12-4-41). During inundation years, affected cultivated lands and grassland would not be available as foraging habitat until prey populations have re-inhabited inundated areas. This would result in temporary periodic reduction in availability of foraging habitat. If late-season Fremont Weir operations were to preclude the planting of some crop types, there could be a further loss of foraging habitat value if the crop type that would have been planted would provide greater foraging habitat value than the fallowed fields. No known white-tailed kite nest sites would be affected, and increased periodic flooding is not expected to cause any adverse effect on nest sites that may be within the inundation area because existing trees already withstand floods in the area, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and any nest sites would be located above floodwaters.

Based on hypothetical floodplain restoration, CM5 implementation could result in periodic inundation of up to approximately 230 acres of modeled white-tailed kite nesting habitat and 7,402 acres of modeled white-tailed kite foraging habitat (Table 12-4-41). Inundation of foraging habitat could result in a periodic reduction of available foraging habitat due to the reduction in available prey. Following draw-down, inundated habitats are expected to recover and provide suitable foraging conditions until the following inundation period. Thus, this is considered a periodic impact that is unlikely to affect white-tailed kite distribution and abundance, or foraging use of the study area.

Periodic inundation of floodplains (through CM2 and CM5) would be expected to restore a more natural flood regime in support of riparian vegetation types that support white-tailed kite nesting habitat. No adverse effects of inundation on white-tailed kite riparian habitat are expected because valley/foothill riparian vegetation is expected to benefit from seasonal inundation.

NEPA Effects: Although foraging habitat would be periodically unavailable to white-tailed kite because of CM2 and CM5 implementation, inundated habitats are expected to recover following draw-down. Any effects are considered short-term and would not result in an adverse effect.

CEQA Conclusion: Although foraging habitat would be periodically unavailable to white-tailed kite because of CM2 and CM5 implementation, inundated habitats are expected to recover following draw-down. Any effects are considered short-term and would be expected to have a less-than-significant impact on white-tailed kite.

Yellow-Breasted Chat

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on yellow-breasted chat. Yellow-breasted chat modeled habitat includes suitable nesting and migratory habitat as those plant alliances from the valley/foothill riparian modeled habitat that contain a shrub component and an overstory component. Primary nesting and migratory habitat is qualitatively distinguished from secondary habitat in Delta areas as those plant associations that support a greater percentage of a suitable shrub cover, particularly blackberry, and California wild rose, and have an open to moderately dense overstory canopy, using data from Hickson and Keeler-Wolf (2007). No distinction is made between primary and secondary habitat for Suisun Marsh/Yolo Basin habitats because supporting information is lacking.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of yellow-breasted chat modeled habitat as indicated in Table 12-4-42. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit the yellow-breasted chat (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Restore, maintain and enhance structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1, associated with CM7).
- Maintain at least 1,000 acres of early- to mid-successional vegetation with a well-developed understory of dense shrubs on restored seasonally inundated floodplain (Objective VFRNC2.2, associated with CM7).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance these natural communities for the species and implementation of AMM1–AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities,* and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, impacts on yellow-breasted chat would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-42. Changes in Yellow-Breasted Chat Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Nesting and Migratory Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Primary	~~17~~16	~~17~~16	~~6~~16	~~1~~16	NA	NA
	Secondary	~~11~~17	~~11~~17	~~17~~10	~~17~~10	NA	NA
	Suisun Marsh/ Upper Yolo Bypass	0	0	0	0	NA	NA
Total Impacts CM1		**~~28~~33**	**~~28~~33**	**~~23~~26**	**~~23~~26**		
CM2–CM18	Primary	96	214	58	73	19-38	92
	Secondary	209	357	0	6	6-18	56
	Suisun Marsh/ Upper Yolo Bypass	76	85	29	29	23-32	0
Total Impacts CM2–CM18		**381**	**656**	**87**	**~~102~~108**	**48-88**	**148**
Total Primary		**~~113~~112**	**~~231~~230**	**~~64~~74**	**~~79~~89**	19-38	92
Total Secondary		**~~220~~226**	**~~368~~374**	**~~17~~10**	**~~23~~16**	6-18	56
Total Suisun Marsh/Upper Yolo Bypass		**76**	**85**	**29**	**29**	23-32	0
TOTAL IMPACTS		**~~409~~414**	**~~684~~689**	**~~110~~113**	**~~131~~134**	**48-88**	**148**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-104: Loss or Conversion of Habitat for and Direct Mortality of Yellow-Breasted Chat

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~815~~ 823 acres of modeled nesting and migratory habitat for yellow-breasted chat (~~684~~ 689 acres of permanent loss, ~~131~~ 134 acres of temporary loss, Table 12-4-42). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Fremont

Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), and floodplain restoration (CM5). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate yellow-breasted chat habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~23~~ 32 acres of primary habitat (~~17~~ 16 acres of permanent loss, 16 acres of temporary loss). In addition, ~~28~~ 27 acres of secondary habitat would be removed (~~11~~ 17 acres of permanent loss, ~~17~~ 10 acres of temporary loss, Table 12-4-42). Activities that would impact modeled habitat consist of tunnel, forebay, and intake construction, permanent and temporary access roads, ~~and~~ construction of transmission lines, barge unloading facilities and temporary work areas. Impacts from CM1 would occur in the central delta in CZs 3- 6, and 8. Most of the permanent loss of habitat would occur where Intakes 2, 3, and 5 impact the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees. Some habitat would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Permanent ~~habiat~~habitat loss would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary loss of habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation. ~~Impacts from CM1 would occur in the central delta in CZs 3- 6, and 8.~~

  ~~This loss~~Habitat loss from CM1 activities would have the potential to displace individuals, if present, and remove the functions and value of modeled habitat for nesting, protection, or foraging. There are no occurrences of yellow-breasted chat that overlap with the CM1 construction footprint. The implementation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* (Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP)~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*)~~ would minimize the effects of construction on nesting yellow-breasted chats if they were to occur in the area. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Alternative 4 implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would permanently remove approximately 83 acres and temporarily remove 88 acres of yellow-breasted chat habitat in the Yolo Bypass in CZ 2. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 545 acres of modeled yellow-breasted chat habitat in CZ 1, 2, 6, and 11. This total is composed of an estimated 182 acres of primary nesting and migratory habitat, 349 acres of secondary nesting and migratory habitat, and 14 acres of nesting and migratory habitat in the Suisun Marsh and upper Yolo Bypass areas.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 49 acres of modeled yellow-breasted chat habitat in CZ 7. This total is comprised of 28 acres of primary nesting and migratory habitat and 21 acres of secondary nesting and migratory habitat. Based on the riparian habitat restoration assumptions, approximately 3,000 acres of valley/foothill riparian habitat would be restored as a component of seasonally inundated floodplain restoration actions. The actual number of acres that would be restored may differ from these estimates, depending on how closely the outcome of seasonally inundated floodplain restoration approximates the assumed outcome. Once this restored riparian vegetation has developed habitat functions, a portion of it would be suitable to support yellow-breasted chat habitat.
- *CM11 Natural Communities Enhancement and Management:* Habitat protection and management activities that could be implemented in protected yellow-breasted chat habitats would be expected to maintain and improve the functions of the habitat over the term of the BDCP. Yellow-breasted chat would be expected to benefit from the increase in protected habitat, which would maintain conditions favorable for the chat's use of the study area.

  Habitat management- and enhancement-related activities could disturb yellow-breasted chat nests if they are present near work sites. Equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would ensure that these activities do not result in direct mortality of yellow-breasted chat or other adverse effects.

  Occupied habitat would be monitored to determine if there is a need to implement controls on brood parasites (brown-headed cowbird) or nest predators. If implemented, these actions would be expected to benefit the yellow-breasted chat by removing a potential stressor that could, if not addressed, adversely affect the stability of newly established populations.

  A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance wildlife values in restored riparian habitats may result in localized ground disturbances that could temporarily remove small amounts of yellow-breasted chat habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, are expected to have minor adverse effects on available yellow-breasted chat habitat and are expected to result in overall improvements to and maintenance of yellow-breasted chat habitat values over the term of the BDCP.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect least Bell's vireo and yellow warbler use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.
- Injury and Direct Mortality: Construction is not expected to result in direct mortality of yellow-breasted chat because adults and fledged young are expected to occur only in very small numbers and, if present, would avoid contact with construction and other equipment. If yellow-breasted chat were to nest in the vicinity of construction activities, equipment operation could destroy nests and noise and visual disturbances could lead to nest abandonment. *AMM22 Suisun*

Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo would avoid and minimize this effect.

- Permanent and temporary habitat losses from the above CMs, would primarily consist of small, fragmented riparian stands in CZ 2–CZ 8 that do not provide high-value habitat for the species. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. The majority of the riparian vegetation to be temporarily removed is early- to mid-successional; therefore, the replaced riparian vegetation would be expected to have structural components comparable to the temporarily removed vegetation within the first 5 to 10 years after the initial restoration activities are complete.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove ~~519~~ 527 acres of modeled habitat for yellow-breasted chat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~51~~ 59 acres of modeled nesting and migratory habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—468 acres of modeled nesting and migratory habitat). These habitat losses would primarily consist of small, fragmented riparian stands in CZ 2-CZ 8 that do not provide high-value habitat for the species.

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for yellow-breasted chat in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~51~~ 59 acres of valley/foothill riparian habitat should be restored/created and ~~51~~ 59 acres should be protected to compensate for the CM1 losses of yellow-breasted chat habitat. The near-term effects of other conservation actions would remove 468 acres of modeled habitat, and therefore require 468 acres of restoration and 468 acres of protection of valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the study area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on yellow-breasted chat. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~

Chapter 3, *Conservation Strategy*, of the Draft BDCP). Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). The yellow-breasted chat has specific structural habitat requirements, so only the early- to mid-successional portions of the restored and protected riparian natural would be expected to provide suitable habitat characteristics for the species. These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of conservation actions for the species.

The acres of protection contained in the near-term Plan goals and the additional detail in the biological objectives for yellow-breasted chat satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures. The restored riparian habitat could require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, because the modeled habitat impacted largely consists of small patches of blackberry, willow, and riparian scrub, BDCP actions would not be expected to have an adverse population-level effect on the species in the near-term time period.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 14,547 acres of modeled nesting and migratory habitat for yellow-breasted chat. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~815~~ 823 acres of modeled habitat (6% of the modeled habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, and CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). The yellow-breasted chat has specific structural habitat requirements, so only the early- to mid-successional portions of the restored and protected riparian natural would be expected to provide suitable habitat characteristics for the species. Fluvial disturbance in restored riparian floodplains would help to maintain early- to mid-successional vegetation. The resulting riparian systems would be subject to natural erosion and deposition, which would provide conditions conducive to the establishment of dense willow stands that are preferred by yellow-breasted chat for nesting. In addition, if monitoring determined that cowbird parasitism was having an effect on the yellow-breasted population in the study area, a cowbird control program would be implemented through *CM11 Natural Communities Enhancement and Management*. Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable habitat for yellow-breasted chat.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 2,683 acres and the protection of 594 acres of habitat for the yellow-breasted chat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of yellow-breasted chat habitat and potential direct mortality of this special-status species would represent an adverse effect in the absence of other conservation actions. The restored riparian habitat would require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, the habitat that would be lost consists of small, fragmented riparian stands that would not provide high-value habitat for the species. And because the nesting and migratory habitat that would be lost is small relative to the species' range throughout California and North America, Alternative 4 actions would not be expected to have an adverse population-level effect on the species. With habitat protection and restoration associated with CM3, CM7, and CM11, guided by biological goals and objectives and by *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss and potential mortality on yellow-breasted chat under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the impact of construction would be less than significant under CEQA. Alternative 4 would remove ~~519~~ 527 acres of modeled habitat for yellow-breasted chat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~51~~ 59 acres of modeled nesting and migratory habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—468 acres of modeled nesting and migratory habitat). These habitat losses would primarily consist of small, fragmented riparian stands in CZ 2-CZ 8 that do not provide high-value habitat for the species.

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 and that are identified in the biological goals and objectives for yellow-breasted chat in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~51~~ 59 acres of valley/foothill riparian habitat should be restored/created and ~~51~~ 59 acres should be protected to mitigate the CM1 losses of yellow-breasted chat habitat. The near-term effects of other conservation actions would remove 468 acres of modeled habitat, and therefore require 468 acres of restoration and 468 acres of protection of valley/foothill riparian using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community in the study area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and CM7 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on yellow-breasted chat. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Goals and objectives in the Plan for riparian restoration also include the restoration, maintenance and enhancement of structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1). The yellow-breasted chat has specific structural habitat requirements, so only the early- to mid-successional portions of the restored and protected riparian natural would be expected to provide suitable habitat characteristics for the species. These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of conservation actions for the species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

In the absence of other conservation actions, the effects on least Bell's vireo and yellow warbler habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. The acres of protection contained in the near-term Plan goals and the additional detail in the biological objectives for yellow-breasted chat satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures. The restored riparian habitat could require 5 years to several decades, for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. However, because the modeled habitat impacted largely consists of small patches of blackberry, willow, and riparian scrub, temporal losses of potential habitat as a result of BDCP actions would be expected to have a less-than-significant population-level impact on the species in the near-term time period.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*, *AMM7 Barge Operations Plan*, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Considering the conservation actions described above, and AMMs 1-7 and AMM 22, Alternative 4, over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of yellow-breasted chat. Therefore, ~~Alterntaive~~Alternative 4 would have a less-than-significant impact on yellow-breasted chat.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 14,547 acres of modeled nesting and migratory habitat for yellow-breasted chat. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~815~~ 823 acres of modeled habitat (6% of the modeled habitat in the study area). These losses would occur from the construction of the water conveyance facilities (CM1) and from *CM2 Yolo Bypass Fisheries Enhancement, CM4 Tidal Natural Communities Restoration, and CM5 Seasonally Inundated Floodplain Restoration*. The locations of these losses would be in fragmented riparian habitat throughout the study area.

The Plan includes conservation commitments through *CM7 Riparian Natural Community Restoration* and *CM3 Natural Communities Protection and Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian woodland. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). The yellow-breasted chat has specific structural habitat requirements, so only the early- to mid-successional portions of the restored and protected riparian natural would be expected to provide suitable habitat characteristics for the species. Fluvial disturbance in restored riparian floodplains would help to maintain early- to mid-successional vegetation. The resulting riparian systems would be subject to natural erosion and deposition, which would provide conditions conducive to the establishment of dense willow stands that are preferred by yellow-breasted chat for nesting. In addition, if monitoring determined that cowbird parasitism was having an effect on the yellow-breasted population in the study area, a cowbird control program would be implemented through *CM11 Natural Communities Enhancement and Management*. Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable habitat for yellow-breasted chat.

The BDCP's beneficial effects analysis (~~BDCP~~ see Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 2,683 acres and the protection of 594 acres of habitat for the yellow-breasted chat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge* Operations Plan, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on least Bell's vireo and yellow warbler habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on yellow-breasted chat.

Impact BIO-105: Fragmentation of Yellow-Breasted Chat Habitat as a Result of Constructing the Water Conveyance Facilities

Grading, filling, contouring, and other initial ground-disturbing activities for water conveyance facilities construction may temporarily fragment modeled yellow-breasted chat habitat. This could temporarily reduce the extent of and functions supported by the affected habitat. Because of the current infrequent occurrence and small numbers of yellow-breasted chat in the Plan Area, and because *CM5 Seasonally Inundated Floodplain Restoration* would restore and protect contiguous high-value riparian habitat in CZ 7, any such habitat fragmentation is expected to have no or minimal effect on the species.

NEPA Effects: Temporary fragmentation of habitat would not result in an adverse effect on yellow-breasted chat. The habitat functions for the species would be significantly improved through the implementation of CM5, which would restore and protect large contiguous patches of riparian habitat.

CEQA Conclusion: Temporary fragmentation of habitat would have a less-than-significant impact on yellow-breasted chat. The habitat functions for the species would be significantly improved through the implementation of CM5, which would restore and protect large contiguous patches of riparian habitat.

Impact BIO-106: Effects on Yellow-Breasted Chat Associated with Electrical Transmission Facilities

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of western yellow-billed cuckoo.~~ Yellow-breasted chats are migratory and usually arrive at California breeding grounds in April from their wintering grounds in Mexico and Guatemala. Departure for wintering grounds occurs from August to September. These are periods of relative high visibility when the risk of powerline collisions will be low. The species' small, relatively maneuverable body; its foraging behavior; and its presence in the Plan Area during the summer contribute to a low risk of collision with the proposed transmission lines (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new project transmission lines would be fitted with flight diverters. Bird flight diverters would further reduce any potential for powerline collisions.~~New transmission lines would therefore not be expected to have an adverse effect on yellow-breasted chat.~~

NEPA Effects: The construction and presence of new transmission lines would not result in an adverse effect on yellow-breasted chat because the risk of bird strike is considered to be minimal based on the species' small, relatively maneuverable body; its foraging behavior; and its presence in the Plan Area during the summer during periods of high visibility. Under *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with bird diverters which would further reduce any potential for powerline collisions.

CEQA Conclusion: The construction and presence of new transmission lines would have a less-than-significant impact on yellow-breasted chat because the risk of bird strike is considered to be minimal based on the species' small, relatively maneuverable body; its foraging behavior; and its presence in the Plan Area during the summer during periods of high visibility. Under *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with bird diverters which would further reduce any potential for powerline collisions.

Impact BIO-107: Indirect Effects of Plan Implementation on Yellow-Breasted Chat

Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect yellow-breasted chat use of modeled habitat adjacent to proposed construction areas. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect yellow-breasted chat. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations outside the project footprint but within 1,300 feet from the construction edge. If yellow-breasted chat were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. These potential effects would be minimized with incorporation of *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP, which would ensure 250 foot no-disturbance buffers were established around active nests. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect yellow-breasted chat in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to yellow-breasted chat habitat could also affect the species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, in addition to *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would minimize the likelihood of such spills from occurring and ensure that measures were in place to prevent runoff from the construction area and any adverse effects of dust on active nests. If present, yellow-breasted chat individuals could be temporarily affected by noise and visual disturbances adjacent to water conveyance construction sites, reducing the use of an estimated 59 acres of modeled primary nesting and migratory habitat and 119 acres of secondary nesting and migratory habitat. *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* would avoid and minimize this effect on the species.

NEPA Effects: The potential for noise and visual disturbance, hazardous spills, increased dust and sedimentation, and the potential impacts of operations and maintenance of the water conveyance facilities would not result in an adverse effect on yellow-breasted chat with the incorporation of AMM1–AMM7, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP.

CEQA Conclusion: The potential for noise and visual disturbance, hazardous spills, increased dust and sedimentation, and the potential impacts of operations and maintenance of the water conveyance facilities would have a less-than-significant impact on yellow-breasted chat with the incorporation of AMM1–AMM7, and *AMM22 Suisun Song Sparrow, Yellow-Breasted Chat, Least Bell's Vireo, Western Yellow-Billed Cuckoo* into the BDCP.

Impact BIO-108: Periodic Effects of Inundation of Yellow-Breasted Chat Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (CM2) would increase the frequency and duration of inundation of approximately 48–88 acres of modeled yellow-breasted chat nesting and migratory habitat. No adverse effects of increased inundation frequency on yellow-breasted chat or its habitat are expected because the chat breeding period is outside the period the weir would be operated. Moreover, riparian vegetation supporting habitat has persisted under the existing Yolo Bypass flooding regime, and changes to frequency and inundation would be within the tolerance of these vegetation types.

Based on hypothetical floodplain restoration, CM5 could result in periodic inundation of up to 148 acres of modeled yellow-breasted chat habitat. Inundation of restored floodplains is not expected to affect yellow-breasted chat or its habitat because the chat breeding period is outside the period the floodplains would likely be inundated. In addition, providing for periodic inundation of floodplains is expected to restore a more natural flood regime in support of riparian vegetation types that provide nesting and migratory habitat for yellow-breasted chat. The overall effect of seasonal inundation in existing riparian natural communities is likely to be beneficial because, historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants.

NEPA Effects: Increases in the frequency and duration of Yolo Bypass flooding and CM5 floodplain restoration would be expected to create more natural flood regimes that would support riparian habitat, which would ~~not~~ result in a beneficial effect on yellow breasted chat.

CEQA Conclusion: By creating more natural flood regimes that would support riparian habitat, increases in the frequency and duration of Yolo Bypass flooding and CM5 floodplain restoration would have a beneficial impact on yellow breasted chat.

Cooper's Hawk and Osprey

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on Cooper's hawk and osprey. Although osprey often nest on manmade structures such as telephone poles, and Cooper's hawk will nest in more developed landscapes, modeled nesting habitat for these species is restricted to valley/foothill riparian forest.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of Cooper's hawk and osprey modeled habitat as indicated in Table 12-4-43. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Although restoration for the loss of nesting habitat would be initiated in the same timeframe as the losses, it could take one or more decades for restored habitats to replace the functions of habitat lost. This time lag between impacts and restoration of habitat function would be minimized by specific requirements of *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~, including the planting of mature trees in the near-term time period. Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP which would also benefit Cooper's hawk and osprey (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7)
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Plant and maintain native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SH2.1, associated with CM11).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands within the reserve system including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3 and CM11).

As explained below, with the acres of restoration or protection included in the Plan, in addition to management activities to enhance natural communities for species and implementation of AMM1–

AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities ,* *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~*, and Mitigation Measure BIO-75, impacts on Cooper's hawk and osprey would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-43. Changes in Cooper's Hawk and Osprey Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting	~~26~~31	~~26~~31	~~23~~21	~~23~~21	NA	NA
Total Impacts CM1		**~~26~~31**	**~~26~~31**	**~~23~~21**	**~~23~~21**		
CM2–CM18	Nesting	312	507	88	121	48-82	230
Total Impacts CM2–CM18		**312**	**507**	**88**	**121**	**48-82**	**230**
TOTAL IMPACTS		**~~338~~343**	**~~533~~538**	**109~~11~~**	**~~144~~142**	**48-82**	**230**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-109: Loss or Conversion of Habitat for and Direct Mortality of Cooper's Hawk and Osprey

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~677~~ 680 acres (538 acres of permanent loss, 142 acres of temporary loss) of modeled nesting habitat for Cooper's hawk and osprey (Table 12-4-43). Conservation measures that would result in these losses are Water Facilities and Operation (CM1) (which would involve construction of conveyance facilities and transmission lines and establishment and use of reusable tunnel material~~borrow and spoil~~ areas), Yolo Bypass Fisheries Enhancement (CM2), Tidal Natural Communities Restoration (CM4), and Seasonally Inundated Floodplain Restoration (CM5). Habitat enhancement and management activities (CM11), which would include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could affect Cooper's hawk and osprey modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 water conveyance facilities would result in the combined permanent and temporary loss of up to ~~49~~ 52 acres of modeled Cooper's hawk and osprey habitat (Table 12-4-43). Of the ~~49~~ 52 acres of modeled habitat that would be removed for the construction of the conveyance facilities, ~~26~~ 31 acres would be a permanent loss and ~~23~~ 21 acres would be a temporary loss of habitat. Activities that would impact modeled habitat consist of tunnel, forebay, and intake construction, permanent and temporary access roads, construction of transmission lines, barge unloading facilities and work areas. Most of the permanent loss of nesting habitat would occur where Intakes ~~1–3~~2, 3 and 5 impact the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees. Some nesting habitat would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Permanent losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of nesting habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation. Impacts from CM1 would occur in the central delta in CZ 3, CZ 4, CZ 5, CZ 6, and CZ 8. ~~This~~ These losses would have the potential to displace individuals, if present, and remove the functions and value of potentially suitable habitat. ~~Activities that would impact modeled habitat consist of tunnel, forebay, and intake construction, temporary access roads, and construction of transmission lines. Impacts from CM1 would occur in the central delta in CZ 3, CZ 4, CZ 5, CZ 6, and CZ 8.~~ There are no occurrences of Cooper's hawk or osprey that overlap with the construction footprint for CM1; h~~.~~ ~~H~~owever, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize impacts on Cooper's hawk and osprey if they were to nest in the vicinity of construction activities. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo Bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 170 acres of Cooper's hawk and osprey nesting habitat (82 acres of permanent loss, 88 acres of temporary loss) in the Yolo Bypass in CZ 2. Activities through CM2 could involve excavation and grading in valley/foothill riparian areas to improve passage of fish through the bypasses. Most of the riparian losses would occur at the north end of Yolo Bypass where major fish passage improvements are planned. Excavation to improve water movement in the Toe Drain and in the Sacramento Weir would also remove potential Cooper's hawk and osprey habitat. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration could permanently remove up to 383 acres of potential Cooper's hawk and osprey nesting habitat. Trees would not be actively removed but tree mortality would be expected over time as areas became tidally inundated.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain and riparian restoration actions would remove approximately 75 acres of Cooper's hawk and osprey nesting habitat (42 acres of permanent loss, 33 acres of temporary loss). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM11 Natural Communities Enhancement and Management*: Habitat management- and enhancement-related activities could disturb Cooper's hawk and osprey nests if they were present near work sites. A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of Cooper's hawk and osprey habitat and reduce the functions of habitat until restoration is complete. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available Cooper's hawk and osprey habitat and are expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, *AMM18 Swainson's Hawk* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS).

  Permanent and temporary habitat losses from the above conservation measures would primarily consist of fragmented riparian stands. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require 1 to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by Cooper's hawk or osprey. *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ contains actions described below to reduce the effect of temporal loss of nesting habitat, including the transplanting of mature trees.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect Cooper's hawk or osprey use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7 and conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged Cooper's hawk or osprey if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If Cooper's hawk or osprey were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could affect nests or lead to their abandonment, potentially resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects on Cooper's hawk and osprey.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effect of construction would not be adverse under NEPA. Alternative 4 would remove ~~449~~ 452 acres (~~338~~ 343 acres of permanent loss, ~~111~~ 109 acres of temporary loss) of Cooper's hawk and osprey nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~49~~ 52 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—400 acres of habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~49~~ 52 acres of nesting habitat should be restored/created and ~~49~~ 52 acres should be protected to compensate for the CM1 losses of modeled Cooper's hawk and osprey habitat. In addition, The near-term effects of other conservation actions would remove 400 acres of modeled breeding habitat, and therefore require 400 acres of restoration and 400 acres of protection of modeled Cooper's hawk and osprey using the same typical NEPA and CEQA ratios.

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, and CM7 and would occur in the same timeframe as the construction and early restoration losses. The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit Cooper's hawk and osprey by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences (Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on Cooper's hawk and osprey nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by these species. This time lag between the removal and restoration of nesting habitat could have a substantial impact on nesting raptors in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active nests within the study area until restored riparian habitat is sufficiently developed.

AMM18 Swainson's Hawk ~~and White-Tailed Kite~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in clumps of at least three trees each at appropriate sites within or adjacent to conserved cultivated lands, or they could be incorporated as a component of the riparian restoration (CM5, CM7). Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the conserved lands.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Cooper's hawk and osprey are not species that are covered under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

The study area supports approximately 14,069 acres of modeled nesting habitat for Cooper's hawk and osprey. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~677~~ 680 acres of potential nesting habitat (5% of the potential nesting habitat in the study area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit Cooper's hawk and osprey by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences(Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and*

Countermeasure Plan, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Cooper's hawk and osprey are not species that are covered under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

NEPA Effects: The loss of Cooper's hawk and osprey habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. With habitat protection and restoration associated with CM3, CM5, CM7, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk~~ and White-Tailed Kite~~*, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss on Cooper's hawk and osprey under Alternative 4 would not be adverse. Cooper's hawk and osprey are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this adverse effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effect of construction would ~~not~~ be ~~adverse~~ less-than-significant under ~~NEPA~~CEQA. Alternative 4 would remove ~~449~~ 452 acres (~~338~~ 343 acres of permanent loss, ~~111~~ 109 acres of temporary loss) of Cooper's hawk and osprey nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~49~~ 52 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—400 acres of habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat. Using these ratios would indicate that ~~49~~ 52 acres of nesting habitat should be restored/created and ~~49~~ 52 acres should be protected to mitigate the CM1 losses of modeled Cooper's hawk and osprey habitat. In addition, The near-term effects of other conservation actions would remove 400 acres of modeled breeding habitat, and therefore require 400 acres of restoration and 400 acres of protection of modeled Cooper's hawk and osprey using the same typical NEPA and CEQA ratios. The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, and CM7 and would occur in the same timeframe as the construction and early restoration losses. The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit Cooper's hawk and osprey by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences (Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on Cooper's hawk and osprey nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of modeled nesting habitat, but would require one to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for nesting by these species. This time lag between the removal and restoration of nesting habitat could have a substantial impact on nesting raptors in the near-term time period. Nesting habitat is limited throughout much of the study area, consisting mainly of intermittent riparian, isolated trees, small groves, tree rows along field borders, roadside trees, and ornamental trees near rural residences. The removal of nest trees or nesting habitat would further reduce this limited resource and could reduce or restrict the number of active nests within the study area until restored riparian habitat is sufficiently developed.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

AMM18 Swainson's hawk ~~*and White-Tailed kite*~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Trees would be planted within the BDCP reserve system in clumps of at least three trees each at appropriate sites within or adjacent to conserved cultivated lands, or they could be incorporated as a component of the riparian restoration (CM5, CM7). Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout the conserved lands.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention*~~

~~*Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~ In the absence of other conservation actions, the effects on Cooper's hawk and osprey nesting habitat would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. Cooper's hawk and osprey are not species that are covered under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Implementation of Mitigation Measure BIO-75 would reduce the potential impact on nesting Cooper's hawk and osprey to a less-than–significant level. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for the time lag of restoring riparian habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, *AMM18 Swainson's Hawk*, and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on Cooper's hawk and osprey.

Late Long-Term Timeframe

The study area supports approximately 14,069 acres of modeled nesting habitat for Cooper's hawk and osprey. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~677~~ 680 acres of potential nesting habitat (5% of the potential nesting habitat in the study area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration,* and *CM7 Riparian Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit Cooper's hawk and osprey by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences(Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Cooper's hawk and osprey are not species that are covered under the BDCP. For the BDCP to have a less-than-significant impact on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.

Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for the time lag of restoring riparian habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, *AMM18 Swainson's Hawk*~~ *and White-Tailed kite*~~, and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on Cooper's hawk and osprey.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-110: Effects on Cooper's Hawk and Osprey Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of Cooper's hawk and osprey. However, the flight behavior of these species, their keen vision, and high maneuverability substantially reduce the risk of powerline collisions. The existing network of transmission lines in the project area currently poses the same small risk for Cooper's hawk and osprey, and any incremental risk associated with the new power line corridors would also be expected to be low. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. With the implementation of *AMM20 Greater Sandhill Crane*, all new transmission lines would be fitted with flight diverters, which would further reduce any risk of collision with lines.

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of Cooper's hawk and osprey. The existing network of transmission lines in the Plan Area currently poses the same small risk for Cooper's hawk and osprey, and any incremental risk associated with the new power line corridors would also be expected to be low. *AMM20 Greater Sandhill Crane*, which would install flight-diverters on new and selected existing transmission lines, would further reduce any potential effects.~~

NEPA Effects: The construction and presence of new transmission lines would not represent an adverse effect because the risk of bird strike is considered to be minimal based on the general maneuverability and keen eyesight of Cooper's hawk and osprey. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would further reduce any risk of mortality from bird strike for Cooper's hawk and osprey from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on Cooper's hawk and osprey.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of Cooper's hawk and osprey. With the implementation of *AMM20 Greater Sandhill Crane,* which would install flight-diverters on new and selected existing transmission lines, there would not be an adverse effect on Cooper's hawk and osprey.~~

CEQA Conclusion: The construction and presence of new transmission lines would not represent an adverse effect because the risk of bird strike is considered to be minimal based on the general maneuverability and keen eyesight of Cooper's hawk and osprey. In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would further reduce any risk of mortality from bird strike for Cooper's hawk and osprey from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would result in a less-than-significant impact on Cooper's hawk and osprey.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of Cooper's hawk and osprey. *AMM20 Greater Sandhill Crane,* which would install flight-diverters on new and selected existing transmission lines, would minimize this risk would reduce the impact of new transmission lines on Cooper's hawk and osprey to a less-than-significant level.~~

Impact BIO-111: Indirect Effects of Plan Implementation on Cooper's Hawk and Osprey

Indirect construction- and operation-related effects: Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect Cooper's hawk or osprey. If Cooper's hawk or osprey were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would avoid the potential for adverse effects of construction-related activities on survival and productivity of nesting Cooper's hawk and osprey. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect Cooper's hawk and osprey in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on these species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including Cooper's hawk and osprey. Future operational impacts under CM1 were analyzed using a DSM-2 based model to assess potential effects on mercury concentration and bioavailability resulting from proposed flows. Subsequently, a regression model was used to estimate fish-tissue concentrations under these future operational conditions (evaluated starting operations or ESO). Results indicated that changes in total mercury levels in water and fish tissues due to ESO were insignificant (see Draft BDCP Appendix 5.D, *Contaminants,* Tables 5D.4-3, 5D.4-4, and 5D.4-5).

Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect cooper's hawk and osprey, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP).

The potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for Project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on cooper's hawk and osprey.

NEPA Effects: Noise and visual disturbances from the construction of water conveyance facilities could reduce Cooper's hawk and osprey use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could adversely affect Cooper's hawk and osprey use of the surrounding habitat. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, in addition to AMM1–AMM7, would be available to address this adverse effect. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of Cooper's hawk or osprey to methylmercury, through the ingestion of fish or small mammals in tidally restored areas. However, it is currently unknown what concentrations of methylmercury are harmful to these species and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would better inform potential impacts and address the uncertainty of methylmercury levels in restored tidal marsh in the study area on cooper's hawk and osprey. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for Cooper's hawk and osprey, once site specific sampling and other information could be developed.

CEQA Conclusion: Noise and visual disturbances from the construction of water conveyance facilities could reduce Cooper's hawk and osprey use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect Cooper's hawk and osprey use of the surrounding habitat. Noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities under Alternative 4 would have a less-than-significant impact on Cooper's hawk and osprey with the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and AMM1–AMM7. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of Cooper's hawk or osprey to methylmercury through the ingestion of fish or small mammals in restored tidal areas. However, it is currently unknown what concentrations of methylmercury are harmful to these species. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12, would address the uncertainty of methylmercury levels in restored tidal marsh in the study area and better inform potential impacts on Cooper's hawk and osprey.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-112: Periodic Effects of Inundation of Cooper's Hawk and Osprey Nesting Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (CM2) would increase the frequency and duration of inundation of approximately 48-82 acres of modeled Cooper's hawk and osprey breeding habitat However, increased periodic flooding is not expected to cause any adverse effect on breeding habitat because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters.

Based on hypothetical floodplain restoration, CM5 implementation could result in periodic inundation of up to 230 acres of breeding habitat for Cooper's hawk and osprey. The overall effect of seasonal inundation in existing riparian natural communities is likely to be beneficial for these species, because, historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants.

NEPA Effects: Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Therefore, increased duration and inundation from CM2 and CM5 would not have an adverse effect on Cooper's hawk and osprey.

CEQA Conclusion: Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Therefore, increased duration and inundation from CM2 and CM5 would have a less-than-significant impact on Cooper's hawk and osprey.

Golden Eagle and Ferruginous Hawk

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on golden eagle and ferruginous hawk. Modeled foraging habitat for these species consists of grassland, alkali seasonal wetland, vernal pool complex, alfalfa, grain and hay, pasture, and idle cropland throughout the study area.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of golden eagle and ferruginous hawk modeled foraging habitat as indicated in Table 12-4-44. Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP that would also benefit golden eagles or ferruginous hawk (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 8.000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at last 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Within the at least 48,625 acres of protected cultivated lands, protect at least 42,275 acres of cultivated lands as Swainson's hawk foraging habitat with at least 50% in very high-value habitat in CZs 2, 3, 4, 5, 7, 8, 9, and 11 (Objective SH1.2, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities to enhance natural communities for species and implementation of AMM1–AMM7, impacts on golden eagle and ferruginous hawk would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-44. Changes in Golden Eagle and Ferruginous Hawk Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] CM2	Periodic[d] CM5
CM1	Foraging	1,~~969~~967	1,~~969~~967	~~633~~503	~~633~~503	NA	NA
Total Impacts CM1		**1,~~969~~967**	**1,~~969~~967**	**~~633~~503**	**~~633~~503**		
CM2–CM18	Foraging	5,450	26,198	376	893	1,158-3,650	3,823
Total Impacts CM2–CM18		**5,450**	**26,198**	**376**	**893**	**1,158-3,650**	**3,823**
TOTAL IMPACTS		**7,~~419~~417**	**28,~~167~~165**	**~~1,009~~879**	**1,~~526~~396**	**1,158-3,650**	**3,823**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-113: Loss or Conversion of Habitat for and Direct Mortality of Golden Eagle and Ferruginous Hawk

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up 29,~~693~~ 561 acres of modeled foraging habitat for golden eagle and ferruginous hawk (28,~~167~~ 165 acres of permanent loss and 1,~~526~~ 396 of temporary loss, Table 12-4-44). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), and construction of conservation hatcheries (CM18). The majority of habitat loss (20,880 acres) would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, and the construction of recreational trails, signs, and facilities, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate golden eagle foraging habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follows the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~2,602~~2,470 acres of modeled golden eagle and ferruginous hawk habitat (1,~~969~~ 967 acres of permanent loss, ~~633~~ 503 acres of temporary loss). Impacts would occur from the construction of ~~intakes~~ Intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland~~.~~; the rerouting of Highway 160; construction of the intermediate forebay; and from a reusable tunnel material storage area on Bouldin Island. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable foraging habitat for the species. Approximately 796 acres of impact would be from the placement of reusable tunnel material area west of the Clifton Court Forebay in CZ 8. In addition, permanent habitat loss would ~~685 acres of impact would be~~occur from the construction of the new forebay ~~constructed~~ south of the existing Clifton court Forebay in CZ 8. Some of the grassland habitat lost at the sites of new canals south of Clifton Court Forebay is composed of larger stands of ruderal and herbaceous vegetation and California annual grassland, which is also suitable foraging habitat for the species. There are no occurrences of golden eagle or ferruginous hawk that intersect with the CM1 footprint. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.
- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 1,274 acres of modeled golden eagle and ferruginous hawk foraging habitat (898 acres of permanent loss, 376 acres of temporary loss) in the Yolo Bypass in CZ 2. Impacted habitat would consist primarily of grassland and pasture. Most of the grassland losses would occur at the north end of the bypass below Fremont Weir, along the Toe Drain/Tule Canal, and along the west side channels. Realignment of Putah Creek could also involve excavation and grading in alkali seasonal wetland complex habitat as a new channel is constructed. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration site preparation and inundation would permanently remove an estimated 20,880 acres of modeled golden eagle and ferruginous hawk habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 1,450 acres of modeled golden eagle and ferruginous hawk foraging habitat (933 permanent, 517 temporary). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM8 Grassland Natural Community Restoration* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: Temporary construction-related disturbance of grassland habitat would result from implementation of CM8 and CM9 in in CZs 1, 2, 4, 5, 7, 8, and 11. However, all areas would be restored after the construction periods. Grassland restoration would be implemented on agricultural lands that also provide foraging habitat for golden eagle and ferruginous hawk and would result in the conversion of 837 acres of cultivated lands to grassland.

- *CM10 Nontidal Marsh Restoration:* Implementation of CM10 would result in the permanent removal of 705 acres of golden eagle and ferruginous hawk foraging habitat.

- *CM11 Natural Communities Enhancement and Management:* A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of golden eagle and ferruginous hawk foraging habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat for these species. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland habitat would be lost from the construction of trails and facilities.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of modeled golden eagle and ferruginous hawk foraging habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect golden eagle and ferruginous hawk use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7 and conservation actions as described below.

- Injury and Direct Mortality: Construction would not be expected to result in direct mortality of golden eagle and ferruginous hawk because foraging individuals would be expected to temporarily avoid the increased noise and activity associated with construction areas.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, ~~1,009~~879 temporary) of modeled golden eagle and ferruginous hawk foraging habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to compensate for the CM1 losses of 2,~~602~~ 470 acres of golden eagle and ferruginous hawk foraging habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of golden eagle and ferruginous hawk habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding adverse effects of habitat loss on golden eagle and ferruginous hawk foraging in the study area. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand golden eagle and ferruginous hawk foraging habitat and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect and mammal prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning).

Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential foraging habitat for golden eagle and ferruginous hawk

(Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which are also suitable for golden eagle and ferruginous hawk. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would be suitable for golden eagle and ferruginous hawk.

The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on golden eagle and ferruginous hawk, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1. Mitigation Measure BIO-113, *Compensate for the Near-Term Loss of Golden Eagle and Feruginous Hawk Foraging Habitat* would be available to address the adverse effect of habitat loss in the near-term.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~29,692~~59,561 acres of modeled golden eagle and ferruginous hawk foraging habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand foraging habitat for golden eagle and ferruginous hawk and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect and small mammal prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential habitat for golden eagle and ferruginous hawk (Objective

CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which are also suitable for golden eagle and ferruginous hawk.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

NEPA Effects: The loss of golden eagle and ferruginous hawk habitat and potential mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, and with implementation of Mitigation Measure BIO-113, *Compensate for the Near-Term Loss of Golden Eagle and Ferruginous Hawk Foraging Habitat*, the effects of habitat loss and potential for direct mortality on golden eagle and ferruginous hawk under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 8,~~428~~ 296acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of modeled golden eagle and ferruginous hawk foraging habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to mitigate the CM1 losses of 2,~~602~~ 470 acres of golden eagle and ferruginous hawk foraging habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of golden eagle and ferruginous hawk habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding significant impacts of habitat loss on golden eagle and ferruginous hawk foraging in the study area. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11. (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand golden eagle and ferruginous hawk foraging habitat and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect and mammal prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential foraging habitat for golden eagle and ferruginous hawk (Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which are also suitable for golden eagle and ferruginous hawk. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would be suitable for golden eagle and ferruginous hawk.

These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on golden eagle and ferruginous hawk foraging habitat would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species.~~T~~ However, t~~he~~ he acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on golden eagle and ferruginous hawk, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1. The implementation of the conservation actions described above, in addition to AMMs2-AMM7, and Mitigation Measure BIO-113, *Compensate for the Near-Term Loss of Golden Eagle and Feruginous Hawk Foraging Habitat* would reduce the impact of habitat loss in the near-term to less than significant.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention*~~

~~*Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~561acres of modeled golden eagle and ferruginous hawk foraging habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand foraging habitat for golden eagle and ferruginous hawk and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect and small mammal prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Burrow availability would be increased on protected natural communities by encouraging ground squirrel occupancy and expansion through the creation of berms, mounds, edges, and through the prohibition of ground squirrel control programs (i.e., poisoning). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential habitat for golden eagle and ferruginous hawk (Objective CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types. These are very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which are also suitable for golden eagle and ferruginous hawk.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on golden eagle and ferruginous hawk foraging habitat would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species; however, ~~C~~considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7, and Mitigation Measure BIO-113, *Compensate for the Near-Term Loss of Golden Eagle and Ferruginous Hawk Foraging Habitat,* the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on golden eagle and ferruginous hawk.

Mitigation Measure BIO-113: Compensate for the Near-Term Loss of Golden Eagle and Ferruginous Hawk Foraging Habitat

DWR will manage and protect sufficient acres of cultivated lands such as pasture, grain and hay crops, or alfalfa to provide golden eagle and ferruginous hawk foraging habitat such that the total acres of high-value habitat impacted in the near-term timeframe are mitigated at a ratio of 2:1. Additional grassland protection, enhancement, and management may be substituted for the protection of high-value cultivated lands.

Impact BIO-114: Effects on Golden Eagle and Ferruginous Hawk Associated with Electrical Transmission Facilities

Golden eagle and ferruginous hawk would be at low risk of bird strike mortality from the construction of new transmission lines based on their maneuverability, their keen eyesight, their lack of flocking behavior, and other factors assessed in the bird strike vulnerability analysis (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. With the implementation of *AMM20 Greater Sandhill Crane*, all new transmission lines would be fitted with flight diverters which would substantially reduce any potential for powerline collisions.

~~New transmission lines would increase the risk that golden eagles and ferruginous hawks could be subject to power line strikes, which could result in injury or mortality of these species. Golden eagle and ferruginous hawk would be at low risk of bird strike mortality based on factors assessed in the bird strike vulnerability analysis (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Factors analyzed include the height of the new transmission lines and the flight behavior of species. The existing network of transmission lines in the Plan Area currently poses the same small risk for golden eagle and ferruginous hawk, and any incremental risk associated with the new power line corridors would also be expected to be low. *AMM20 Greater Sandhill Crane,* would further reduce any potential effects.~~

***NEPA Effects*:** Golden eagle and ferruginous hawk are already at a low risk of bird strike mortality based on their general maneuverability, keen eyesight and lack of flocking behavior. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would not result in an adverse effect on golden eagle or ferruginous hawk.~~New transmission lines would minimally increase the risk for golden eagle and ferruginous hawk power line strikes. With the implementation of *AMM20 Greater Sandhill Crane*, the potential effect of the construction of new transmission lines on golden eagle and ferruginous hawk would not be adverse.~~

CEQA Conclusion: Golden eagle and ferruginous hawk are already at a low risk of bird strike mortality based on their general maneuverability, keen eyesight and lack of flocking behavior. All new transmission lines constructed as a result of the project would be fitted with bird diverters, which have been shown to reduce avian mortality by 60%. By implementing *AMM20 Greater Sandhill Crane*, the construction and operation of transmission lines would not result in an adverse effect on golden eagle or ferruginous hawk.~~New transmission lines would minimally increase the risk for golden eagle and ferruginous hawk power line strikes. *AMM20 Greater Sandhill Crane* would reduce the potential impact of the construction of new transmission lines on golden eagle and ferruginous hawk to a less-than-significant level.~~

Impact BIO-115: Indirect Effects of Plan Implementation on Golden Eagle and Ferruginous Hawk

Construction- and subsequent maintenance-related noise and visual disturbances could disrupt foraging, and reduce the functions of suitable foraging habitat for golden eagle and ferruginous hawk. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect golden eagle or ferruginous hawk. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring. The inadvertent discharge of sediment or excessive dust adjacent to golden eagle and ferruginous hawk grassland habitat could also have a negative effect on the species. However, AMM1–AMM7 would also ensure that measures would be in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

NEPA Effects: Indirect effects on golden eagle and ferruginous hawk as a result of Plan implementation could have adverse effects on these species through the modification of habitat. With the incorporation of AMM1–AMM7 into the BDCP, indirect effects as a result of Alternative 4 implementation would not have an adverse effect on golden eagle and ferruginous hawk.

CEQA Conclusion: Indirect effects on golden eagle and ferruginous hawk as a result of Plan implementation could have a significant impact on the species from modification of habitat. With the incorporation of AMM1–AMM7 into the BDCP, indirect effects as a result of Alternative 4 implementation would have a less-than-significant impact on golden eagle and ferruginous hawk.

Impact BIO-116: Periodic Effects of Inundation on Golden Eagle and Ferruginous Hawk Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 1,158–3,650 acres of modeled golden eagle and ferruginous hawk foraging habitat (Table 12-4-44).Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 3,823 acres of modeled habitat (Table 12-4-44).

Golden eagles and ferruginous hawks would not likely use inundated areas for foraging, and increased frequency and duration of inundation of grassland habitats may affect prey populations that have insufficient time to recover following inundation events. However, periodically inundated habitat would not be expected to have an adverse effect on local or migratory golden eagles or the wintering ferruginous hawk populations in the study area.

NEPA Effects: Implementation of CM2 would increase the frequency and duration of inundation on approximately 1,158–3,650 acres of modeled golden eagle and ferruginous hawk foraging habitat. In addition, implementation of CM5 could result in the periodic inundation of up to 3,823 acres of modeled habitat. However, periodic inundation would not be expected to have an adverse effect on the wintering golden eagle or ferruginous hawk populations in the study area.

CEQA Conclusion: Implementation of CM2 would increase the frequency and duration of inundation on approximately 1,158–3,650 acres of modeled golden eagle and ferruginous hawk foraging habitat. In addition, implementation of CM5 could result in the periodic inundation of up to 3,823 acres of modeled habitat. However, periodic inundation would be expected to have a less-than-significant impact on the golden eagle and ferruginous hawk populations in the study area.

Cormorants, Herons and Egrets

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron. Modeled breeding habitat for these species consists of valley/foothill riparian forest.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of cormorant, heron, and egret modeled habitat as indicated in Table 12-4-45. The majority of the losses would take place over an extended period of time as tidal marsh is restored in the study area. Although restoration for the loss of nesting habitat would be initiated in the same timeframe as the losses, it could take one or more decades for restored habitats to replace the functions of habitat lost. This time lag between impacts and restoration of habitat function would be minimized by specific requirements of *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~, including the planting of mature trees in the near-term time period. Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP which would also benefit cormorants, herons, and egrets (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands within the reserve system including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities to enhance natural communities for species and implementation of AMM1–AMM7, *AMM10 Restoration of Temporarily Affected Natural Communities* , *AMM18 Swainson's Hawk ~~and White-Tailed Kite~~*, and Mitigation Measure BIO-75, impacts on cormorants, herons, and egrets would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-45. Changes in Cormorant, Heron and Egret Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting (Rookeries)	~~34~~42	~~34~~42	~~30~~31	~~30~~31	NA	NA
Total Impacts CM1		**~~34~~42**	**~~34~~42**	**~~30~~31**	**~~30~~31**		
CM2–CM18	Nesting (Rookeries)	387	684	88	123	51–92	266
Total Impacts CM2–CM18		**387**	**684**	**88**	**123**	**51–92**	**266**
TOTAL IMPACTS		**~~421~~429**	**726~~18~~**	**~~118~~119**	**~~153~~154**	**51–92**	**266**

[a] See Appendix 12E*, Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-117: Loss or Conversion of Nesting Habitat for and Direct Mortality of Cormorants, Herons and Egrets

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~871~~ 880 acres of modeled nesting habitat (~~718~~ 726 acres of permanent loss, ~~153~~ 154 acres of temporary loss) for double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron (Table 12-4-45). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Fremont Weir/Yolo Bypass fisheries improvements (CM2), tidal natural communities restoration (CM4), and seasonally inundated floodplain restoration (CM5). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate cormorant, heron, and egret modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts, NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 water conveyance facilities would result in the combined permanent and temporary loss of up to ~~64~~ 73 acres of modeled nesting habitat for cormorants, herons, and egrets. (Table 12-4-45). Of the ~~64~~ 73 acres of modeled habitat that would be removed for the construction of the conveyance facilities, ~~34~~ 42 acres would be a permanent loss and ~~30~~ 31 acres would be a temporary loss of habitat. ~~This loss would have the potential to displace individuals, if present, and remove the functions and value of potentially suitable habitat.~~ Activities that would impact modeled nesting habitat consist of tunnel, forebay, and intake construction, permanent and temporary access roads, ~~and~~ construction of transmission lines, barge unloading facilities, and temporary work areas. Most of the permanent loss of nesting habitat would occur where Intakes 2, 3, and 5 impact the Sacramento River's east bank between Freeport and Courtland. The riparian areas here are very small patches, some dominated by valley oak and others by nonnative trees. Some nesting habitat would be lost due to construction of a permanent access road from the new forebay west to a reusable tunnel material disposal area and where the realigned Highway 160 would cross Snodgrass Slough. Permanent losses would also occur along Lambert Road where permanent utility lines would be installed and from the construction of an operable barrier at the confluence of Old River and the San Joaquin River. Temporary losses of nesting habitat would occur from the construction of a barge unloading facility west of the intermediate forebay in Snodgrass Slough and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation. ~~Temporary losses of nesting habitat would occur where pipelines cross Snodgrass Slough and other small waterways east of the Sacramento River, and where temporary work areas surround intake sites. The riparian habitat in these areas is also composed of very small patches or stringers bordering waterways, which are composed of valley oak and scrub vegetation.~~ Impacts from CM1 would occur in the central delta in CZs 3- 6, and CZ 8. Habitat loss from CM1 activities would have the potential to displace individuals, if present, and remove the functions and value of potentially suitable habitat. There are no occurrences of nesting cormorants, herons, or egrets that overlap with the construction footprint of CM1~~. However~~; however, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize impacts on cormorants, herons and egrets if they were to nest in the vicinity of construction activities. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 177 acres of nesting habitat (89 acres of permanent loss, 88 acres of temporary loss) in the Yolo Bypass in CZ 2. Activities through CM2 could involve excavation and grading in valley/foothill riparian areas to improve passage of fish through the bypasses. Most of the riparian losses would occur at the north end of Yolo Bypass where major fish passage improvements are planned. Excavation to improve water movement in the Toe Drain and in the Sacramento Weir would also remove potential nesting habitat. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 552 acre of nesting habitat for cormorants, herons and egrets. Trees would not be actively removed but tree mortality would be expected over time as areas became tidally inundated. Depending on the extent and value of remaining habitat, this could reduce use of these habitats by these species. There is one CNDDB occurrence of a great blue heron rookery that overlaps with the hypothetical restoration footprint for tidal restoration. The occurrence is on Decker Island and tidal restoration could potentially impact the nest trees from inundation. This effect would need to be addressed within the project specific analysis for tidal restoration projects.

- *CM5 Seasonally Inundated Floodplain Restoration:* Construction of setback levees to restore seasonally inundated floodplain would permanently remove approximately 43 acres and temporarily remove approximately 35 acres of potential cormorants, heron, and egret nesting habitat. These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM11 Natural Communities Enhancement and Management:* Habitat management- and enhancement-related activities could disturb cormorant, heron, and egret nests if they were present near work sites. A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of cormorant, heron, and egret habitat and reduce the functions of habitat until restoration is complete. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, are expected to have minor effects on available habitat for these species and are expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, *AMM18 Swainson's Hawk* and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS).

- Permanent and temporary habitat losses from the above conservation measures would primarily consist of fragmented riparian stands. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described in *AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require years to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure for established rookeries. *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ contains actions described below to reduce the effect of temporal loss of mature riparian habitat, including the transplanting of mature trees.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect use of the surrounding habitat by cormorants, herons or egrets. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- The primary impact of concern regarding double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron is the loss of existing known nest trees, and other large trees associated with known nest sites. Because these species are highly traditional in their use of rookeries, the establishment of new nest sites is unpredictable. To avoid adverse effects on these species, existing known nest sites would have to be avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects on cormorants, herons, and egrets.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If birds were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could affect nests or lead to their abandonment, potentially resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75 would be available to address these effects on cormorants, herons, and egrets.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove ~~539~~ 548 acres of nesting habitat for cormorants, herons, and egrets in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~64~~ 73 acres of nesting habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancemen*t, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—475 acres of nesting habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for breeding habitat. Using these ratios would indicate that ~~64~~ 73 acres of breeding habitat should be restored/created and ~~64~~ 73 acres should be protected to compensate for the CM1 losses of modeled cormorant, heron, and egret habitat. In addition, the near-term effects of other conservation actions would remove 475 acres of modeled breeding habitat, and therefore require 475 acres of restoration and 475 acres of protection of modeled cormorant, heron, and egret habitat using the same typical NEPA and CEQA ratios.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for these species. In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on cormant, heron, and egret nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of potential nesting habitat, but would require years to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for established rookeries. This time lag between the removal and restoration of nesting habitat could have a substantial impact on cormorants, herons and egrets in the near-term time period.

AMM18 Swainson's Hawk ~~and White-Tailed Kite~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout protected lands.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron are not species that are covered under the BDCP. For the BDCP to avoid adverse effects on individuals, existing nests and rookeries would have to be avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting cormorants, herons, and egrets.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 17,966 acres of modeled nesting habitat for cormorants, herons, and egrets. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~871~~ 880 acres of potential breeding habitat (5% of the potential breeding habitat in the Plan Area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration*, and *CM7 Riparian Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit cormorants, herons, and egrets by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences(Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron are not species that are covered under the BDCP. These species are highly traditional in their use of nest sites and for the BDCP to avoid an adverse effect on individuals, preconstruction surveys would be required to ensure that nests are detected and any direct and indirect impacts on rookeries are avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* and Mitigation Measure BIO-117, *Avoid Impacts on Rookeries*, would be available to address adverse effects on nesting cormorants, herons, and egrets.

NEPA Effects: The loss of cormorant, heron, and egret habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM5, CM7, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, AMM10, and *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss on cormorants, herons and egrets under Alternative 4 would not be adverse. Double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron are not species that are covered under the BDCP. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting cormorants, herons, and egrets.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under NEPA. Alternative 4 would remove ~~539~~ 548 acres of nesting habitat for cormorants, herons, and egrets in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~64~~ 73 acres of nesting habitat), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancemen*t, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—475 acres of nesting habitat).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of valley/foothill riparian habitat for breeding habitat. Using these ratios would indicate that ~~64~~ 73 acres of breeding habitat should be restored/created and ~~64~~ 73 acres should be protected to mitigate the CM1 losses of modeled cormorant, heron, and egret habitat. In addition, the near-term effects of other conservation actions would remove 475 acres of modeled breeding habitat, and therefore require 475 acres of restoration and 475 acres of protection of modeled cormorant, heron, and egret habitat using the same typical NEPA and CEQA ratios.

The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for these species. In addition, small but essential nesting habitat associated with cultivated lands would also be maintained and protected such as isolated trees, tree rows along field borders or roads, or small clusters of trees in farmyards or at rural residences (Objective CLNC1.3).

The 750 acres of protection and 800 acres of restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and other near-term impacts on cormant, heron, and egret nesting habitat. The 800 acres of restored riparian habitat would be initiated in the near-term to offset the loss of potential nesting habitat, but would require years to several decades to functionally replace habitat that has been affected and for trees to attain sufficient size and structure suitable for established rookeries. This time lag between the removal and restoration of nesting habitat could have a substantial impact on cormorants, herons and egrets in the near-term time period.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

AMM18 Swainson's Hawk ~~*and White-Tailed Kite*~~ would implement a program to plant large mature trees, including transplanting trees scheduled for removal. These would be supplemented with additional saplings and would be expected to reduce the temporal effects of loss of nesting habitat. The plantings would occur prior to or concurrent with (in the case of transplanting) the loss of trees. In addition, at least five trees (5-gallon container size) would be planted within the BDCP reserve system for every tree 20 feet or taller anticipated to be removed by construction during the near-term period. A variety of native tree species would be planted to provide trees with differing growth rates, maturation, and life span. Replacement trees that were incorporated into the riparian restoration would not be clustered in a single region of the study area, but would be distributed throughout protected lands.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention*~~

~~*Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~ Double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron are not species that are covered under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided.

In the absence of other conservation actions, effects on nesting cormorants, herons, and egrets would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities described above. As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts. ~~and t~~Thus, there would be minimal lag time between impacts and implementation of those measures designed to offset those impacts ~~to~~on natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes.~~ In addition, implementation of AMM1-AMM7, AMM10, ~~and~~ *AMM18 Swainson's Hawk* ~~Implementation of~~, and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than-significant level.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 17,966 acres of modeled nesting habitat for cormorants, herons, and egrets. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~871~~ 880 acres of potential breeding habitat (5% of the potential breeding habitat in the Plan Area).

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM5 Seasonally Inundated Floodplain Restoration,* and *CM7 Riparian Natural Community Restoration* to restore or create at least 5,000 acres and protect at least 750 acres of valley/foothill riparian natural community (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). The majority of riparian protection and restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). Riparian restoration would expand the patches of existing riparian forest in order to support nesting habitat for riparian species. The Plan's objectives would also benefit cormorants, herons, and egrets by protecting small but essential habitats that occur within cultivated lands, such as tree rows along field borders or roads, and small clusters of trees in farmyards or rural residences (Objective CLNC1.3). In addition, the distribution and abundance of potential nest trees would be increased by planting and maintaining native trees along roadsides and field borders within protected cultivated lands at a rate of one tree per 10 acres (Objective SWHA2.1).

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention*

Plan, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Double-crested cormorant, great blue heron, great egret, snowy egret, and black-crowned night heron are not species that are covered under the BDCP. These species are highly traditional in their use of nest sites and for the BDCP to avoid a significant impact on individuals, preconstruction surveys would be required to ensure that nests are detected and any direct and indirect impacts on rookeries are avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-117, *Avoid Impacts on Rookeries*, would reduce this potential impact to a less-than-significant level.

In the absence of other conservation actions, effects on nesting cormorants, herons, and egrets would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be considered significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts sufficient to compensate for the loss of riparian habitats lost to construction and restoration activities, and with implementation of AMM1–AMM7, AMM10, *AMM18 Swainson's Hawk* ~~*and White-Tailed Kite*~~ and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of these species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on cormorants, herons, and egrets.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Mitigation Measure BIO-117: Avoid Impacts on Rookeries

Herons, egrets, and cormorants are highly traditional in their use of nest sites (rookeries); therefore, DWR will avoid all direct and indirect impacts on rookeries.

Impact BIO-118: Effects Associated with Electrical Transmission Facilities on Cormorants, Herons and Egrets

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons and egrets. New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of least bittern and white-faced ibis. Waterbirds have a higher susceptibility to collisions than passerines, raptors, and other birds. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. With the implementation of *AMM20 Greater Sandhill Crane*, all new transmission lines constructed as a result of the project would be fitted with flight diverters which would reduce bird strike risk of cormorants, herons, and egrets.

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons and egrets. *AMM20 Greater Sandhill Crane* would minimize the risk for bird-power line strikes, for these species. This measure would ensure that conductor and ground lines are fitted with flight diverters in compliance with the best available practices, such as those specified in the USFWS Avian Protection Guidelines and would minimize the potential for an adverse effect.~~

NEPA Effects: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons, and egrets. The implementation of *AMM20 Greater Sandhill Crane* would require the installation of bird flight diverters on all new transmission lines, which could reduce bird strike risk of cormorants, herons, and egrets by 60%. With the installation of bird flight diverters, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on cormorants, herons, and egrets.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons, and egrets. *AMM20 Greater Sandhill Crane* would reduce the potential for collisions on new and select existing powerlines in the study area. The construction of new transmission lines would not result in an adverse effect on cormorants, herons, and egrets.~~

CEQA Conclusion: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons, and egrets. The implementation of *AMM20 Greater Sandhill Crane* would require the installation of bird flight diverters on all new transmission lines, which could reduce bird strike risk of cormorants, herons, and egrets by 60%. With the installation of bird flight diverters, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on cormorants, herons, and egrets.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of cormorants, herons, and egrets. *AMM20 Greater Sandhill Crane* would reduce birdstrike on new transmission lines and select existing transmission lines with the installation of flight diverters. With these in place, new transmission lines would have a less-than-significant impact on cormorants, herons and egrets.~~

Impact BIO-119: Indirect Effects of Plan Implementation on Cormorants, Herons and Egrets

Indirect construction- and operation-related effects: Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect cormorants, herons, or egrets. If cormorants, herons or egrets were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would avoid the potential for adverse effects of construction-related activities on survival and productivity of nesting cormorants, herons or egrets. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect cormorants, herons or egrets in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on these species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including cormorants, herons or egrets. A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS.~~,Appendix XD which~~This review includes an overview of the BDCP-related mechanisms that could result in increased mercury in the food web, and how exposure to individual species may occur based on feeding habits and where their habitat overlaps with the areas where mercury bioavailability could increase. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008).Bioaccumulation of ~~methlymercuy~~methylmercury varies by species as there are taxonomic differences in rates of detoxification within the liver (Eagles-Smith et al. 2009). Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009). That is, the pelagic food chain tends to be longer than the benthic food chain, which allows for greater biomagnification of methylmercury in top predators. Also, there is less prey diversity at the top of the pelagic food chain than in the benthic food chain; pelagic top predators eat smaller fish and little else, while benthic top predators consume a variety of organisms, many of which are lower in the food chain than fishes and thus have less potential for methylmercury biomagnification.

Largemouth bass was used as a surrogate species for analysis (Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~Appendix D~~) and the modeled effects of mercury concentrations from changes in water operations under CM1 on largemouth bass did not differ substantially from existing conditions; therefore, results also indicate that cormorant, heron, and egret tissue concentrations would not measurably increase as a result of CM1 implementation.

~~Future operational impacts under CM1 were analyzed using a DSM-2 based model to assess potential effects on mercury concentration and bioavailability resulting from proposed flows. Subsequently, a regression model was used to estimate fish-tissue concentrations under these future operational conditions (evaluated starting operations or ESO). Results indicated that changes in total mercury levels in water and fish tissues due to ESO were insignificant (see BDCP Appendix 5.D, Tables 5D.4-3, 5D.4-4, and 5D.4-5).~~

Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury~~ (see BDCP Chapter 3, *Conservation Strategy*, for details of restoration)~~. Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect on cormorants, herons or egrets, via uptake in lower tropic levels (as described in ~~the BDCP, ~~Appendix 5.D, *Contaminants*, of the Draft BDCP). Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects. Restoration in Suisun Marsh would convert managed wetlands to tidal wetlands, which would be expected to result in an overall reduction in mercury methylation.

In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on cormorants, herons or egrets.

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas ~~will~~would be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including cormorants, herons, and egrets. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on cormorants, herons, and egrets.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on cormorants, herons, and egrets from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

***NEPA Effects*:** Noise and visual disturbances from the construction of water conveyance facilities could reduce cormorant, heron, and egret use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect cormorant, heron, and egret use of the surrounding habitat. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-117, *Avoid Impacts on Rookeries*, would be available to address adverse effects on nesting individuals in addition to AMM1–AMM7.

Tidal habitat restoration could result in increased exposure of cormorants, herons, and egrets to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of cormorants, herons or egrets to methylmercury through the ingestion of fish in restored tidal areas. However, it is unknown what concentrations of methylmercury are harmful to these species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on cormorants, herons, and egrets.~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12, would address the uncertainty of methylmercury levels in restored tidal marsh in the study area and~~

~~better inform potential impacts on cormorants, herons, and egrets. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for cormorants, herons, and egrets once site specific sampling and other information could be developed.~~

CEQA Conclusion: Impacts of noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would represent an adverse effect in the absence of other conservation actions. This impact would be significant. ~~be less than significant with the implementation of~~ Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-117, *Avoid Impacts on Rookeries*, and AMM1–AMM7, would reduce this impact to a less-than-significant level. ~~7~~.

Tidal habitat restoration could result in increased exposure of cormorants, herons, and egrets to selenium which could result in mortality of special-status species. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. With implementation of AMM27, potential for increased selenium exposure would result in no adverse effect on the species.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of cormorants, herons or egrets to methylmercury, through the ingestion of fish in tidally restored areas. However, it is unknown what concentrations of methylmercury are harmful to these species. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on the species. ~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would address the potential impacts of methylmercury levels in restored tidal marsh in the study area on cormorants, herons, and egrets. Tidal habitat restoration could result in increased exposure of cormorants, herons, and egrets to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.~~

With AMM1-7, AMM27, and CM12 in place, in addition to the implementation of Mitigation Measure BIO-75 and BIO-117 measures in place, indirect effects of plan implementation would not result in a substantial adverse effect on cormorants, herons, and egrets through habitat modification or potential mortality. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on cormorants, herons, and egrets.

~~Therefore, the indirect effects of Alternative 4 implementation would not have a significant impact on cormorants, herons, and egrets.~~

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Measure BIO-117: Avoid Impacts on Rookeries

Herons, egrets, and cormorants are highly traditional in their use of nest sites (rookeries), therefore all direct and indirect impacts on rookeries must be avoided.

Impact BIO-120: Periodic Effects of Inundation on Cormorants, Herons and Egrets as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (CM2) would increase the frequency and duration of inundation of approximately 51–92 acres of modeled breeding habitat for cormorants, herons and egrets. However, increased periodic flooding is not expected to cause any adverse effect on breeding habitat because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters.

Based on hypothetical floodplain restoration, CM5 implementation could result in periodic inundation of up to 266 acres of breeding habitat for cormorants, herons and egrets. The overall effect of seasonal inundation in existing riparian natural communities is likely to be beneficial for these species, because, historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants.

NEPA Effects: Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Therefore, increased duration and inundation from CM2 and CM5 would not result in an adverse effect on cormorants, herons and egrets.

CEQA Conclusion: Increased periodic flooding would not be expected to cause any adverse effect on nest sites because trees in which nest sites are situated already withstand floods, the increase in inundation frequency and duration is expected to remain within the range of tolerance of riparian trees, and nest sites are located above floodwaters. Therefore, increased duration and inundation from CM2 and CM5 would have a less-than-significant impact on cormorants, herons and egrets.

Short-Eared Owl and Northern Harrier

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on short-eared owl and northern harrier. Modeled habitat for short-eared owl and northern harrier include tidal brackish and freshwater emergent wetland, nontidal freshwater perennial emergent wetland, managed wetland, other natural seasonal wetland, grassland, alkali seasonal wetland, vernal pool complex, and selected cultivated lands.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled habitat for short-eared owl and northern harrier as indicated in Table 12-4-46. Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP which would also benefit short-eared owl and northern harrier (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 6,000 acres of tidal brackish emergent wetland in CZ 11 including at least 1,500 acres of middle and high marsh (Objectives TBEWNC1.1 and TBEWNC1.2, associated with CM4).
- Restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZ 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.2, associated with CM4).
- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10).
- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for these species, AMM1–AMM7, *AMM27 Selenium Management* and Mitigation Measure BIO-75, impacts on short-eared owl and northern harrier would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-46. Changes in Short-Eared Owl and Northern Harrier Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting and Foraging	2,~~012~~152	2,~~012~~152	~~773~~683	~~773~~683	NA	NA
Total Impacts CM1		**2,~~012~~152**	**2,~~012~~152**	**~~773~~683**	**~~773~~683**		
CM2–CM18	Nesting and Foraging	12,281	46,700	471	1,224	2,926-8,060	5,978
Total Impacts CM2–CM18		**12,281**	**46,700**	**471**	**1,224**	**2,926-8,060**	**5,978**
TOTAL IMPACTS		**14,~~293~~433**	**48,~~712~~852**	**1,~~244~~154**	**1,~~997~~907**	**2,926-8,060**	**5,978**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-121: Loss or Conversion of Habitat for and Direct Mortality of Short-Eared Owl and Northern Harrier

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 50,~~709~~ 759 acres of modeled habitat for short-eared owl and northern harrier (of which 48,~~712~~ 852 acres would be a permanent loss and 1,~~997~~ 907 acres would be a temporary loss of habitat, Table 12-4-46). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass Fisheries Enhancement (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), grassland restoration (CM8), vernal pool and wetland restoration (CM9), marsh restoration (CM10) and construction of conservation hatcheries (CM18). The majority of habitat loss would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate short-eared owl and northern harrier modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~:* Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 2,~~785~~ 835 acres of modeled short-eared owl and northern harrier habitat (2,~~012~~ 152 acres of permanent loss, ~~773~~ 683 acres of temporary loss) from CZs 3–6 and CZ 8. Activities that would impact modeled habitat ~~consist~~ include~~of~~ tunnel, forebay, and intake construction, permanent and temporary access roads, ~~and~~ construction of transmission lines, and temporary work areas. The majority of habitat removed would consist of grassland and alfalfa fields. There are no CNDDB or DHCCP surveys records of occurrences of nesting short-eared owl ~~and northern harrier~~ that overlap with the construction footprint of CM1. However, there are two DHCCP occurrences of northern harrier that overlap with the footprint of a shaft associated with the pumps at Clifton Court Forebay and a permanent transmission line north of the forebay. Two DHCCP occurrences also overlap with the temporary impact footprint from geotechnical explorations. ~~However,~~ Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize impacts on short-eared owl and northern harrier if they were to nest in the vicinity of construction activities. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement (CM2) would permanently remove 1,021 acres of modeled short-eared owl and northern harrier habitat in the Yolo Bypass in CZ 2. In addition, 471 acres of habitat would be temporarily removed. The impact would primarily consist of loss of acreages of pastures. The conversion is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 39,017 acres of modeled short-eared owl and northern harrier habitat. The majority of the losses would be managed wetlands and cultivated lands in CZs 1, 2, 4, 5, 6, 7, 8, 10, and 11. Tidal restoration actions through CM4 would restore an estimated 55,000 acres of tidal natural communities. These restored wetland areas could provide suitable nesting habitat for short-eared owl and northern harrier. Consequently, although existing nesting habitat for short-eared owl and northern harrier would be removed, restoration of wetland habitats is expected to benefit marsh associated ground nesting birds by increasing the extent and value of their nesting habitat. Grizzley Island supports the only known resident population of short-eared owls in the Suisun Marsh and Sacramento-San Joaquin River Delta (Roberson 2008). Grizzley Island does not overlap with the hypothetical footprint for *CM4 Tidal Natural Communities Restoration*. However, this is an important breeding area for short-eared owl and if restoration footprints were changed during the implementation process of BDCP to overlap with this area, the effects on breeding short-eared owls could likely be adverse. Future NEPA and CEQA analysis would be conducted for restoration projects under BDCP and if restoration was proposed to occur outside of the hypothetical footprints used for this programmatic analysis, potential impacts on these species would be captured in the project-level analysis (see Appendix 3B, ~~Section 3.2.5~~*BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP).

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 2,086 acres of modeled short-eared owl and northern harrier habitat (1,332 permanent, 754 temporary). These losses would be expected to occur along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration*: Riparian restoration would permanently remove approximately 623 acres of short-eared owl and northern harrier habitat as part of tidal restoration and 2,479 acres of habitat as part of seasonal floodplain restoration.
- *CM8 Grassland Natural Community Restoration*: Restoration of grassland is expected to be implemented on agricultural lands and would result in the conversion of 1,066 acres of cultivated lands to grassland in CZs 1, 2, 4, 5, 7, 8, and 11. The resulting 2,000 acres of grassland would provide habitat for short-eared owl and northern harrier.
- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP.

  Habitat management- and enhancement-related activities could short-eared owl and northern harrier nests. If either species were to nest in the vicinity of a worksite, equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would be available to minimize these adverse effects.
- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of short-eared owl and northern harrier habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1. The loss is expected to occur during the first 10 years of Plan implementation.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect short-eared owl and northern harrier use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7, Mitigation Measure BIO-75, and conservation actions as described below.
- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged short-eared owl and northern harrier if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If either species were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75 would be available to minimize these adverse effects.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 15,~~537~~ 587 acres of modeled habitat (14,~~293~~ 433 permanent, 1,~~244~~ 154 temporary) for short-eared owl and northern harrier in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~785~~ 835 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7, Riparian Natural Community Restoration, CM8 Grassland Natural Community Restoration*, *CM10 Nontidal Marsh Restoration*, and *CM18 Conservation Hatcheries*—12,752 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of habitat. Using these typical ratios would indicate that 2,~~785~~ 835 acres of habitat should be restored and 2,~~785~~ 835 acres should be protected to compensate for the CM1 losses of short-eared owl and northern harrier habitat. The near-term effects of other conservation actions would remove 12,752 acres of modeled habitat, and therefore require 12,752 acres of restoration and 12,752 acres of protection of short-eared owl and northern harrier habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, and restoring 19,150 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, and CM8 and would occur in the same timeframe as the construction and early restoration losses. The acres of protection and restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and the effects from other near-term restoration actions.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide nesting and foraging habitat for short-eared owl and northern harrier and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) would preserve habitat for short-eared owl and northern harrier (Objective MWNC1.1). Protection and enhancement of managed wetlands to meet this objective would focus on highly degraded areas in order to provide the greatest possible level of enhancement benefit to the managed wetland natural community and associated species. Managed wetland protection and enhancement would be concentrated in Suisun Marsh, which currently supports a high concentration of nesting short-eared owls on Grizzley Island.

The restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide nesting and foraging habitat for short-eared owl and northern harrier. Short-eared owl and northern harrier nest in open habitats within cultivated lands including alfalfa, irrigated pasture, and other grain fields. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). A minimum of 87% of cultivated lands protected by the late long-term time period would be in alfalfa, irrigated pasture, and other hay crops (Objective SH1.2). This biological objective provides an estimate for the proportion of cultivated lands protected in the near-term time period which would provide suitable nesting and foraging habitat for short-eared owl and northern harrier. These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The short-eared owl and the northern harrier are not covered species under the BDCP. For the BDCP to avoid adverse effects on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 406,784 acres of modeled nesting and foraging habitat for short-eared owl and northern harrier. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 50,~~709~~ 759 acres of modeled short-eared owl and northern harrier habitat during the term of the Plan (12% of the modeled habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, and CM8 Grassland Natural Community Restoration,* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species, and restore at least 65,000 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide nesting and foraging habitat for short-eared owl and northern harrier and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) would preserve habitat for short-eared owl and northern harrier (Objective MWNC1.1). Protection and enhancement of managed wetlands to meet this objective would focus on highly degraded areas in order to provide the greatest possible level of enhancement benefit to the managed wetland natural community and associated species. Managed wetland protection and enhancement would be concentrated in Suisun Marsh, which supports a high concentration of nesting short-eared owls on Grizzley Island. At least 1,500 acres of the managed wetlands would be protected and enhanced on Grizzley Island by the late long-term time period. The restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide nesting and foraging habitat for short-eared owl and northern harrier. Short-eared owl and northern harrier nest in open habitats within cultivated lands including alfalfa, irrigated pasture, and other grain fields. A minimum of 87% of the 48,625 acres of cultivated lands protected by the late long-term time period (Objective CLNC1.1) would be managed in alfalfa, irrigated pasture, and other hay crops (Objective SH1.2) which are compatible crop types for these species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Short-eared owl and northern harrier are not species that are covered under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

NEPA Effects: The loss of short-eared owl and northern harrier habitat and potential direct mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss from Alternative 4 would not be adverse. Short-eared owl and northern harrier are not covered species under the BDCP, and preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address the adverse effect of direct mortality on short-eared owl and northern harrier.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 15,~~537~~ 587 acres of modeled habitat (14,~~293~~ 433 permanent, 1,~~244~~ 154 temporary) for short-eared owl and northern harrier in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~785~~ 835 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7, Riparian Natural Community Restoration, CM8 Grassland Natural Community Restoration*, *CM10 Nontidal Marsh Restoration*, and *CM18 Conservation Hatcheries*—12,752 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of habitat. Using these typical ratios would indicate that 2,~~785~~ 835 acres of habitat should be restored and 2,~~785~~ 835 acres should be protected to compensate for the CM1 losses of short-eared owl and northern harrier habitat. The near-term effects of other conservation actions would remove 12,752 acres of modeled habitat, and therefore require 12,752 acres of restoration and 12,752 acres of protection of short-eared owl and northern harrier habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, protecting 4,800 acres of managed wetland natural community, protecting 15,400 acres of non-rice cultivated lands, protecting 900 acres of rice or rice equivalent habitat, and restoring 19,150 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, and CM8 and would occur in the same timeframe as the construction and early restoration losses. The acres of protection and restoration contained in the near-term Plan goals satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 and the effects from other near-term restoration actions.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide nesting and foraging habitat for short-eared owl and northern harrier and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) would preserve habitat for short-eared owl and northern harrier (Objective MWNC1.1). Protection and enhancement of managed wetlands to meet this objective would focus on highly degraded areas in order to provide the greatest possible level of enhancement benefit to the managed wetland natural community and associated species. Managed wetland protection and enhancement would be concentrated in Suisun Marsh, which supports a high concentration of nesting short-eared owls on Grizzley Island.

The restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide nesting and foraging habitat for short-eared owl and northern harrier. Short-eared owl and northern harrier nest in open habitats within cultivated lands including alfalfa, irrigated pasture, and other grain fields. At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1). A minimum of 87% of cultivated lands protected by the late long-term time period would be in alfalfa, irrigated pasture, and other hay crops (Objective SH1.2). This biological objective provides an estimate for the proportion of cultivated lands protected in the near-term time period which would provide suitable nesting and foraging habitat for short-eared owl and northern harrier. These biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The short-eared owl and the northern harrier are not covered species under the BDCP. In order for the BDCP to avoid adverse effects on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided.

In the absence of other conservation actions, effects on short-eared owl and northern harrier would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities described above. As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts. ~~and t~~Thus, there would be minimal lag time between impacts and implementation of those measures designed to offset those impacts ~~to~~on natural communities and the species that use them~~.The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes~~. In addition, implementation of AMM1~~-~~–AMM7 and

Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than-significant level.

~~The implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than-significant level.~~

Late Long-Term Timeframe

Based on modeled habitat, the study area supports approximately 406,784 acres of modeled nesting and foraging habitat for short-eared owl and northern harrier. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 50,~~709~~ 759 acres of modeled short-eared owl and northern harrier habitat during the term of the Plan (12% of the modeled habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration, and CM8 Grassland Natural Community Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, protect 8,100 acres of managed wetland, protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species, and restore at least 65,000 acres of tidal wetlands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide nesting and foraging habitat for short-eared owl and northern harrier and reduce the effects of current levels of habitat fragmentation. Small mammal populations would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Remnant patches of grassland or other uncultivated areas would also be protected and maintained as part of the cultivated lands reserve system which would provide additional foraging habitat and a source of rodent prey that could recolonize cultivated fields (Objective CLNC1.3). The protection of managed wetlands (including upland grassland components) would preserve habitat for short-eared owl and northern harrier (Objective MWNC1.1). Protection and enhancement of managed wetlands to meet this objective would focus on highly degraded areas in order to provide the greatest possible level of enhancement benefit to the managed wetland natural community and associated species. Managed wetland protection and enhancement would be concentrated in Suisun Marsh, which supports a high concentration of nesting short-eared owls on Grizzley Island. At least 1,500 acres of the managed wetlands would be protected and enhanced on Grizzley Island by the late long-term time period. The restoration of 19,150 acres of tidal natural communities, including transitional uplands would provide nesting and foraging habitat for short-eared owl and northern harrier. Short-eared owl and northern harrier nest in open habitats within cultivated lands including alfalfa, irrigated pasture, and other grain fields. A minimum of 87% of the 48,625 acres of cultivated lands protected by the late long-term time period (Objective CLNC1.1) would be managed in alfalfa, irrigated pasture, and other hay crops (Objective SH1.2) which are compatible crop types for these species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Short-eared owl and northern harrier are not species that are covered under the BDCP. For the BDCP to have a less-than-significant impact on individuals, preconstruction surveys for noncovered avian species would be required to ensure that active nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be reduce the impact to a less-than-significant level.

In the absence of other conservation actions, effects on short-eared owl and northern harrier would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be considered significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7 and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on short-eared owl and northern harrier.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-122: Effects on Short-Eared Owl and Northern Harrier Associated with Electrical Transmission Facilities

New transmission lines would increase the risk that short-eared owl and northern harrier could be subject to power line strikes, which could result in injury or mortality of these species. Short-eared owl and northern harrier would be at low risk of bird strike mortality based on their keen eyesight and largely ground-based foraging behavior (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). The existing network of transmission lines in the project area currently poses the same small risk for these species, and any incremental risk associated with the new power line corridors would also be expected to be low. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. With the implementation of *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which would further reduce any bird strike risk of short-eared owl and northern harrier.

~~New transmission lines would increase the risk that short-eared owl and northern harrier could be subject to power line strikes, which could result in injury or mortality of these species. Short-eared owl and northern harrier would be at low risk of bird strike mortality based on factors assessed in the bird strike vulnerability analysis (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Factors analyzed include the height of the new transmission lines and the flight behavior of species. The existing network of transmission lines in the Plan Area currently poses the same small risk for these species, and any incremental risk associated with the new power line corridors would also be expected to be low. *AMM20 Greater Sandhill Crane,* would further reduce any potential effects.~~

NEPA Effects: The construction and presence of new transmission lines would not result in an adverse effect on short-eared owl or northern harrier because the risk of bird strike is considered to be low for both species based on their keen eyesight and behavioral characteristics. New transmission lines would minimally increase the risk for short-eared owl and northern harrier power line strikes. All new transmission lines constructed as a result of the project would be fitted with bird diverters (*AMM20 Greater Sandhill Crane*), which have been shown to reduce avian mortality by 60%, which would further reduce any potential for powerline collisions. Therefore, the construction and operation of transmission lines under Alternative 4 would not result in an adverse effect on short-eared owl or northern harrier.~~New transmission lines would minimally increase the risk for short-eared owl and northern harrier power line strikes. With the implementation of *AMM20 Greater Sandhill Crane*, the potential effect of the construction of new transmission lines on short-eared owl and northern harrier would not be adverse.~~

CEQA Conclusion: The construction and presence of new transmission lines would not result in a significant impact on short-eared owl or northern harrier because the risk of bird strike is considered to be low for both species based on their keen eyesight and behavioral characteristics. New transmission lines would minimally increase the risk for short-eared owl and northern harrier power line strikes. All new transmission lines constructed as a result of the project would be fitted with bird diverters (*AMM20 Greater Sandhill Crane*), which have been shown to reduce avian mortality by 60%, which would further reduce any potential for powerline collisions. Therefore, the construction and operation of transmission lines under Alternative 4 would result in a less-than-significant impact on short-eared owl or northern harrier.~~New transmission lines would minimally increase the risk for short-eared owl and northern harrier power line strikes. *AMM20 Greater Sandhill Crane* would reduce the potential impact of the construction of new transmission lines on short-eared owl and northern harrier to a less-than-significant level.~~

Impact BIO-123: Indirect Effects of Plan Implementation on Short-Eared Owl and Northern Harrier

Indirect construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect short-eared owl and northern harrier use of modeled habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect short-eared owl or northern harrier. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring. The inadvertent discharge of sediment or excessive dust adjacent to short-eared owl and northern harrier could also have a negative effect on these species. AMM1–AMM7 would ensure that measures are in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including short-eared owl and northern harrier. Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect short-eared owl and northern harrier, via uptake in lower tropic levels (as described in ~~the BDCP~~ Appendix 5.D, *Contaminants*, of the Draft BDCP).

In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on short-eared owl and northern harrier.

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including short-eared owl and northern harrier. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on short-eared owl and northern harrier.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on short-eared owl and northern harrier from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

***NEPA Effects*:** Noise and visual disturbances from the construction of water conveyance facilities could reduce short-eared owl and northern harrier use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect short-eared owl and northern harrier use of the surrounding habitat. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting individuals in addition to AMM1–AMM7. Tidal habitat restoration could result in increased exposure of short-eared owl and northern harrier. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Tidal habitat restoration is unlikely to have an adverse effect on short-eared owl and northern harrier through increased exposure to methylmercury, as these species currently nest and forage in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans in addition to monitoring and adaptive management, described in CM12 *Methylmercury Management,* would address the uncertainty of methylmercury levels in restored tidal marsh. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for California least tern, once site specific sampling and other information could be developed.

***CEQA Conclusion*:** Noise, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities would have a less-than-significant impact on short-eared owl and northern harrier with the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and AMM1–AMM7. Tidal habitat restoration is unlikely to have a significant impact on short-eared owl and northern harrier through increased exposure to methylmercury, as these species currently nest and forage in tidal marshes where elevated methylmercury levels exist. However, it is unknown what concentrations of methylmercury are harmful to these species. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would better inform potential impacts and address the uncertainty of methylmercury levels in restored tidal marsh in the study area. Tidal habitat restoration could result in increased exposure of short-eared owl and northern harrier to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management,* which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Therefore, the indirect effects of Alternative 4 implementation would not have an adverse effect on short-eared owl and northern harrier.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-124: Periodic Effects of Inundation on Short-Eared Owl and Northern Harrier as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 2,926–8,060 acres of modeled short-eared owl and northern harrier habitat (Table 12-4-46).

Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 5,978 acres of modeled habitat (Table 12-4-46), the majority of which would be pasture and other cultivated lands.

Reduced foraging habitat availability may be expected during the fledgling period of the nesting season due to periodic inundation. However, inundation would occur during the nonbreeding season and would not be expected to have an adverse effect on either species.

***NEPA Effects*:** Periodic inundation of floodplains would not result in an adverse effect on short-eared owl and northern harrier because inundation is expected to occur prior to the breeding season.

***CEQA Conclusion*:** Periodic inundation of floodplains would not have a significant impact on short-eared owl and northern harrier because inundation is expected to occur prior to the breeding season.

Redhead and Tule Greater White-Fronted Goose

Impacts, relevant protection and restoration actions, and mitigation requirements under CEQA are discussed for these species in the *General Terrestrial Biology Effects* section under Impacts BIO-178 through BIO-183. Further details of the methods of analysis for waterfowl and shorebirds can be found in the *BDCP Waterfowl and Shorebird Effects Analysis* (Ducks Unlimited 2013).

Mountain Plover

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on mountain plover. Modeled habitat for mountain plover include grassland, alkali seasonal wetland, vernal pool complex, alfalfa, grain and hay, pasture, and idle cropland throughout the study area.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled habitat for mountain plover as indicated in Table 12-4-47. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit the mountain plover (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, GNC2.4, associated with CM11).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Within the at least 48,625 acres of protected cultivated lands, protect at least 42,275 acres of cultivated lands as Swainson's hawk foraging habitat with at least 50% in very high-value habitat in CZs 2, 3, 4, 5, 7, 8, 9, and 11 (Objective SH1.2, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance these natural communities for the species, impacts on mountain plover would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-47. Changes in Mountain Plover Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] CM2	Periodic[d] CM5
CM1	Wintering	1,~~969~~967	1,~~969~~967	~~633~~503	~~633~~503	NA	NA
Total Impacts CM1		**1,~~969~~967**	**1,~~969~~967**	**~~633~~503**	**~~633~~503**		
CM2–CM18	Wintering	5,450	26,198	376	893	1,158-3,650	3,823
Total Impacts CM2–CM18		**5,450**	**26,198**	**376**	**893**	**1,158-3,650**	**3,823**
TOTAL IMPACTS		**7,~~419~~417**	**28,~~167~~165**	**~~1,009~~ 879**	**~~1,526~~ 1,396**	**1,158-3,650**	**3,823**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-125: Loss or Conversion of Habitat for and Direct Mortality of Mountain Plover

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 29,~~693~~ 561 acres of modeled wintering habitat for mountain plover (28,~~167~~ 165 acres of permanent loss and 1,~~526~~ 396 of temporary loss, Table 12-4-47). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), and construction of conservation hatcheries (CM18). The majority of habitat loss (20,880 acres) would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, and the construction of recreational trails, signs, and facilities, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate mountain plover modeled wintering habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 2,~~602~~ 470 acres of modeled mountain plover habitat (1,~~969~~ 967 acres of permanent loss, ~~633~~ 503 acres of temporary loss). Impacts would occur from the construction of Intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland; the rerouting of Highway 160; construction of the intermediate forebay; and from a reusable tunnel material storage area on Bouldin Island. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable habitat for the species. Approximately 796 acres of impact would be from the placement of reusable tunnel material area west of the Clifton Court Forebay in CZ 8. In addition, permanent habitat loss would occur from the construction of the new forebay south of the existing Clifton court Forebay in CZ 8. ~~The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would remove suitable wintering habitat for the species. Approximately 685 acres of impact would be from the new forebay constructed south of the Clifton court Forebay in CZ 8. Some of the grassland habitat lost at the sites of new canals south of Clifton Court Forebay is composed of larger stands of ruderal and herbaceous vegetation and California annual grassland, which is also suitable habitat for the species.~~ There are no CNDDB occurrences of mountain plover that intersect with the CM1 footprint. However, the study area does overlap with the wintering range for the species. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 1,274 acres of modeled mountain plover wintering habitat (898 acres of permanent loss, 376 acres of temporary loss) in the Yolo Bypass in CZ 2. Impacted habitat would consist primarily of grassland and pasture. Most of the grassland losses would occur at the north end of the bypass below Fremont Weir, along the Toe Drain/Tule Canal, and along the west side channels. Realignment of Putah Creek could also involve excavation and grading in alkali seasonal wetland complex habitat as a new channel is constructed. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration site preparation and inundation would permanently remove an estimated 20,880 acres of modeled mountain plover habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh.

- *CM5 Seasonally Inundated Floodplain Restoration:* Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 1,450 acres of modeled mountain plover habitat (933 permanent, 517 temporary). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration*: Riparian restoration would permanently remove approximately 370 acres of mountain plover wintering habitat as part of tidal restoration and 1,489 acres of habitat as part of seasonal floodplain restoration.

- *CM8 Grassland Natural Community Restoration* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration:* Temporary construction-related disturbance of grassland habitat would result from implementation of CM8 and CM9 in in CZs 1, 2, 4, 5, 7, 8, and 11. However, all areas would be restored after the construction periods. Grassland restoration would be implemented on agricultural lands that also provide wintering habitat for mountain plover and would result in the conversion of 837 acres of cultivated lands to grassland.

- *CM10 Nontidal Marsh Restoration:* Implementation of CM10 would result in the permanent removal of 705 acres of mountain plover habitat.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of mountain plover habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available mountain plover habitat. Management of grasslands and cultivated lands for mountain plover such as grazing or mowing would make habitat temporarily unavailable for the species but would ultimately make the habitat more suitable for mountain plover. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland habitat would be lost from the construction of trails and facilities.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of modeled mountain plover habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect mountain plover use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7 and conservation actions as described below.

- Injury and Direct Mortality: Construction would not be expected to result in direct mortality of mountain plover because foraging individuals would be expected to temporarily avoid the increased noise and activity associated with construction areas.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of modeled mountain plover wintering habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to compensate for the CM1 losses of 2,~~602~~ 470 acres of mountain plover wintering habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of mountain plover habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding adverse effects of habitat loss on mountain plover wintering in the study area. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand mountain plover wintering habitat and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential wintering habitat for mountain plover (Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which are also modeled habitat for wintering mountain plover. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would be suitable for mountain plover.

The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on mountain plover, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1. Mitigation Measure BIO-125, *Compensate for the Near-Term Loss of Mountain Plover Wintering Habitat*, would be available to address the adverse effect of habitat loss in the near-term.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged*

Material, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Based on the habitat model, the study area supports approximately 269,411 acres of potential habitat for mountain plover. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~ 561 acres of modeled mountain plover wintering habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand habitat for mountain plover and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential wintering habitat for mountain plover (Objective CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide potential wintering habitat for mountain plover. The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

NEPA Effects: The loss of mountain plover habitat and potential mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, and with implementation of Mitigation Measure BIO-125, *Compensate for the Near-Term Loss of Mountain Plover Wintering Habitat,* the effects of habitat loss and potential direct mortality on mountain plover under Alternative 4 would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of modeled wintering habitat for mountain plover in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5~~4,~~204~~ 940 acres should be protected to mitigate the CM1 losses of 2,~~602~~ 470 acres of mountain plover habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of mountain plover wintering habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives* , of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding significant impacts of habitat loss on mountain plover. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand wintering habitat for mountain plover and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential wintering habitat for mountain plover (Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide potential habitat for mountain plover wintering in the study area. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would provide habitat for mountain plover.

These Plan objectives represent performance standards for considering the effectiveness of conservation actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on mountain plover, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, effects on nesting cormorants, herons, and egrets would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities described above. As outlined in Draft BDCP Chapter 3, Section 3.4, *Conservation Measures*~~.4.27~~, natural community restoration and protection are planned so that they keep pace with project impacts and thus there would be minimal lag time between impacts and those measures designed to offset those impacts to natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes.~~ In addition, implementation of AMM1-AMM7 and *AMM18 Swainson's Hawk*, ~~The implementation of~~and Mitigation Measure BIO-125, *Compensate for the Near-Term Loss of Mountain Plover Wintering Habitat* would reduce ~~the~~ this potential impact ~~of habitat loss~~ in the near-term to a less-than-significant level.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~ 561 acres of mountain plover habitat during the term of the Plan (11% of the total habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand wintering habitat for mountain plover and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential habitat for mountain plover (Objective CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide habitat for mountain plover.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, Avoidance and Minimization Measures~~.

In the absence of other conservation actions, effects on nesting cormorants, herons, and egrets would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be considered significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7, and Mitigation Measure BIO-125, *Compensate for the Near-Term Loss of Mountain Plover Wintering Habitat*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of mountain plover. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on mountain plover.

Mitigation Measure BIO-125: Compensate for the Near-term Loss of Mountain Plover Wintering Habitat

DWR will manage and protect sufficient acres of cultivated lands such as pasture, grain and hay crops, or alfalfa to provide habitat for mountain plover such that the total acres of high-value habitat impacted in the near-term timeframe are mitigated at a ratio of 2:1. Additional grassland protection, enhancement, and management may be substituted for the protection of high-value cultivated lands.

Impact BIO-126: Effects on Mountain Plover Associated with Electrical Transmission Facilities

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of mountain plover.~~ Mountain plovers congregate in flocks during the winter and travel between grasslands and cultivated lands that provide foraging habitat for the species. This flocking behavior puts them at risk of collisions with powerlines. This flocking behavior puts them at risk of collisions with powerlines. However, plovers exhibit low wing loading and high aspect-ratio wings and as a result can maneuver relatively quickly around an obstacle such as a transmission line. Their wing structure and design allows for rapid flight and quick, evasive actions. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. ~~Existing transmission lines in the study area currently pose this risk.~~ Plovers are primarily visual foragers and therefore, the risk for collision would be further reduced by *AMM20 Greater Sandhill Crane*, which would require the installation of bird flight diverters on all new ~~and selected existing~~ transmission lines in the study area.

NEPA Effects: New transmission lines are not expected to have an adverse effect on mountain plover because the probability of bird-powerline strikes is highly unlikely due to their flight behaviors. The implementation of *AMM20 Greater Sandhill Crane* which would require the installation of bird flight diverters on all new transmission lines, which would further reduce any potential for mortality. Therefore, the construction and operation of new transmission lines under Alternative 4would not result in an adverse effect on mountain plover.~~mortality from powerline strikes would be minimized with the implementation of *AMM20 Greater Sandhill Crane*, which would require the installation of bird flight diverters on new and selected existing transmission lines in the study area. The risk for bird-power line strikes is, therefore, not expected to have an adverse effect on mountain plover.~~

CEQA Conclusion: New transmission lines would have a less-than-significant impact on mountain plover because the probability of bird-powerline strikes is highly unlikely due to their flight behaviors. The implementation of *AMM20 Greater Sandhill Crane* which would require the installation of bird flight diverters on all new transmission lines, which would further reduce any potential for mortality. Therefore, the construction and operation of new transmission lines under Alternative 4would result in a less-than-significant impact on mountain plover.~~mortality from powerline strikes would be minimized with the implementation of *AMM20 Greater Sandhill Crane*, which would require the installation of bird flight diverters on new and selected existing transmission lines in the study area~~.

Impact BIO-127: Indirect Effects of Plan Implementation on Mountain Plover

Construction- and subsequent maintenance-related noise and visual disturbances could disrupt foraging, and reduce the functions of suitable foraging habitat for mountain plover. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect mountain plover. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7 would minimize the likelihood of such spills from occurring. The inadvertent discharge of sediment or excessive dust adjacent to mountain plover ~~grassland~~ wintering habitat could also have a negative effect on the species. However, AMM1–AMM7 would also ensure that measures would be in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

NEPA Effects: Indirect effects on mountain plover as a result of Plan implementation could have adverse effects on the species through the modification of habitat. With the With the implementation of AMM1–AMM7, indirect effects as a result of Alternative 4 implementation would not have an adverse effect mountain plover.

CEQA Conclusion: Indirect effects on mountain plover as a result of Plan implementation could have a significant impact on the species from modification of habitat. With the implementation of AMM1–AMM7, indirect effects as a result of Alternative 4 implementation would have a less-than-significant impact on mountain plover.

Impact BIO-128: Periodic Effects of Inundation on Mountain Plover as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 1,158–3,650 acres of modeled mountain plover wintering habitat (Table 12-4-47). Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 3,823 acres of modeled mountain plover habitat (Table 12-4-47).

NEPA Effects: Implementation of CM2 and CM5 would periodically inundate suitable mountain plover foraging habitat. However, effects of periodic inundation would not have an adverse effect on mountain plover because birds would be expected to move to adjacent foraging habitat.

CEQA Conclusion: Implementation of CM2 and CM5 would periodically inundate suitable mountain plover foraging habitat. However, effects of periodic inundation would have a less-than-significant impact on mountain plover because birds would be expected to move to adjacent foraging habitat.

Black Tern

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on black tern. Modeled nesting habitat for black tern in the study area is currently limited to rice in CZ 2.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled habitat for black tern as indicated in Table 12-4-48. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit the black tern (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect 700 acres of cultivated lands, with at least 500 acres consisting of rice land, to expand upon and buffer newly restored/created nontidal perennial habitat in CZ 2, (Objective GGS2.3, associated with CM3).
- Protect up to 1,700 acres of rice land or equivalent habitat (e.g. perennial wetland) in the Yolo Bypass if this portion meets the criteria specified in CM3, *Reserve Design Requirements by Species* for giant garter snake. Any remaining acreage (from a total 2,740 acre commitment) will consist of rice land or equivalent-value habitat outside the Yolo Bypass in CZs 1, 2, 4, or 5 (Objective GGS3.1, associated with CM3).

As explained below, with the restoration and protection of these amounts of habitat, in addition to management activities that would enhance this habitat for the species and implementation of

AMM1–AMM7 and Mitigation Measure BIO-75, impacts on black tern would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-48. Changes in Black Tern Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**		
CM2–CM18	Nesting	76	260	0	0	791–1,582	0
Total Impacts CM2–CM18		**76**	**260**	**0**	**0**	**791–1,582**	**0**
TOTAL IMPACTS		**76**	**260**	**0**	**0**	**791-1,582**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-129a: Loss or Conversion of Habitat for and Direct Mortality of Black Tern

Alternative 4 conservation measures would result in the permanent loss of up to 260 acres of modeled nesting habitat for black tern, consisting of rice in CZ 2 (Table 12-4-48). Conservation measures that would result in these losses are grassland restoration (CM8) and nontidal marsh restoration (CM10). Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follows the individual conservation measure discussions.

- *CM8 Grassland Natural Community Restoration:* Restoration of grassland is expected to be implemented on agricultural lands and would result in the conversion of 52 acres of rice lands to grassland in CZ 2 by the late-long time period. An estimated 30 acres of impact would occur in the first 10 years.
- *CM10 Nontidal Marsh Restoration:* Implementation of *CM10* would result in the permanent removal of 208 acres of black tern nesting habitat in in CZ 2. An estimated 46 acres would be removed in the first 10 years.
- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse

effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. Habitat management- and enhancement-related activities could disturb nesting black terns if they were to nest in the vicinity of a worksite. Equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. The potential for these activities to result in direct mortality of black tern would be minimized with the implementation of and Mitigation Measure BIO-75, Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds.

- Operations and Maintenance: Postconstruction operation and maintenance of the restoration infrastructure could result in ongoing but periodic disturbances that could affect black tern nesting adjacent to maintenance areas. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7, Mitigation Measure BIO-75, and conservation actions as described below.
- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged black tern individuals if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. If black tern were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. These effects would be avoided and minimized with the implementation of Mitigation Measure BIO-75.
- Late season flooding in the Yolo Bypass could result in the loss of rice (nesting habitat for black tern) by precluding the preparation and planting of rice fields. The methods for estimating loss of rice in the bypass and results are provided in ~~BDCP~~ Appendix 5.J, Attachment 5J.E, *Estimation of BDCP Impact on Giant Garter Snake Summer Foraging Habitat in the Yolo Bypass*, of the Draft BDCP. This analysis concludes that the estimated loss of rice could be up to 1,662 acres by the late long-term timeframe. This potential impact is further described under Impact BIO-129c below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. There would be no impacts on black tern nesting habitat resulting from the construction of the water conveyance facilities (CM1). However, there would be a loss of 76 acres of modeled nesting habitat for black tern in the study area in the near-term. These effects would result from implementing *CM8 Grassland Natural Community Restoration* and *CM10 Nontidal Marsh Restoration.*

The typical NEPA and CEQA project-level mitigation ratio would be 1:1 protection for the loss of cultivated lands including rice. Using this ratio would indicate that 76 acres of rice lands should be protected in CZ 2 to compensate for the losses of black tern nesting habitat.

The BDCP has committed to near-term goals of protecting 200 acres of rice and 700 acres of rice or equivalent habitat (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and would occur in the same timeframe as the early restoration losses. The BDCP also contains objectives for the giant garter snake to protect at least 500 acres of rice in CZ 2 and to protect up to 1,700 acres of rice land or equivalent habitat in the Yolo Bypass (if this portion meets the criteria specified in CM3, *Reserve Design Requirements by Species* for giant garter snake, Objectives GGS2.3 and GGS 3.1) by the late long-term time period. These objectives would inform the near-term protection actions, and therefore some portion of the 200 acres of rice and 700 acres of rice or equivalent habitat would be expected to be restored in CZ 2. However, there is no near-term acreage commitment in the plan that is specific to CZ 2. In order to avoid an adverse effect on black tern from habitat loss, protection of 76 acres of rice would need to occur in CZ 2 in the near-term timeframe. Mitigation Measure BIO-129a, *Compensate for Loss of Black Tern Nesting Habitat*, would be available to address this adverse effect.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~ Black tern is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of 260 acres of modeled black tern nesting habitat during the term of the Plan. This impact would result from the removal of rice in CZ 2. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* to protect 500 acres of rice lands (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIS/SDEIS) and up to 1,700 acres of rice lands or equivalent habitat for the giant garter snake (Objective GGS3.1) in CZ 2. The nesting habitat for black tern in the northern part of the study area has largely been reduced to rice lands, and these acres would provide protected nesting habitat for the species.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *CM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Black tern is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

NEPA Effects: The loss of black tern nesting habitat and potential mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection associated with CM3, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss under Alternative 4 would not be adverse. Black tern is not a covered species under the BDCP, and potential mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. There would be no impacts on black tern nesting habitat resulting from the construction of the water conveyance facilities (CM1). However, there would be a loss of 76 acres of modeled nesting habitat for black tern in the study area in the near-term. These effects would result from implementing *CM8 Grassland Natural Community Restoration* and *CM10 Nontidal Marsh Restoration.*

The typical NEPA and CEQA project-level mitigation ratio would be 1:1 protection for the loss of cultivated lands including rice. Using this ratio would indicate that 76 acres of rice lands should be protected in CZ 2 to mitigate the losses of black tern nesting habitat.

The BDCP has committed to near-term goals of protecting 200 acres of rice and 700 acres of rice or equivalent habitat (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3 and would occur in the same timeframe as the early restoration losses. The BDCP also contains objectives for the giant garter snake to protect at least 500 acres of rice in CZ 2 and to protect up to 1,700 acres of rice land or equivalent habitat in the Yolo Bypass (if this portion meets the criteria specified in CM3, *Reserve Design Requirements by Species* for giant garter snake, Objectives GGS2.3 and GGS 3.1) by the late long-term time period. These objectives would inform the near-term protection actions, and therefore some portion of the 200 acres of rice and 700 acres of rice or equivalent habitat would be expected to be restored in CZ 2. However, there is no near-term acreage commitment in the plan that is specific to CZ 2.

~~Mitigation Measure BIO-129a, *Compensate for Loss of Black Tern Nesting Habitat*, which would require 1:1 protection of habitat in CZ 2 in the near-term time frame would reduce this potential impact to a less-than-significant level.~~

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Black tern is not a covered species under the BDCP. For the BDCP to have a less-than-significant impact on individuals, preconstruction would be required to ensure that nests are detected and avoided. In the absence of other conservation actions, effects on black tern would represent an adverse effect as a result of habitat modification and potential for direct mortality of a special-status species. This impact would be ~~considered~~ significant. However, the BDCP has committed to habitat protection, restoration, management and enhancement activities described above. As outlined in Draft BDCP Chapter 3, Section 3.4.4, *Conservation Measures*~~.27~~, natural community restoration and protection are planned so that they keep pace with project impacts.~~ and t~~Thus, there would be minimal lag time between impacts and those measures designed to offset those impacts ~~to~~on natural communities and the species that use them.~~The natural community restoration and protection activities would be concluded in the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes.~~ In addition, implementation of AMM1-AMM7, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-129a, *Compensate for Loss of Black Tern Nesting Habitat*, which would require 1:1 protection of habitat in CZ 2 in the near-term time frame, would reduce this potential impact to a less-than-significant level.

~~Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce the potential impact on nesting black tern to a less-than-significant level.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of 260 acres of modeled black tern nesting habitat during the term of the Plan. This impact would result from the removal of rice in CZ 2. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* to protect 500 acres of rice lands (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIR/SDEIS) and up to 1,700 acres of rice lands or equivalent habitat for the giant garter snake (Objective GGS3.1) in CZ 2.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, and *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~ Black tern is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would identify any nesting terns during preconstruction surveys and ensure that active nests are avoided which would reduce the potential impact on nesting black tern to a less-than-significant level.

In the absence of other conservation actions, effects on black tern would represent an adverse effect as a result of habitat modification and potential for direct mortality of special-status species. This impact would be considered significant. Considering Alternative 4's habitat protection provisions, which would provide acreages of new or enhanced habitat in amounts greater than necessary to compensate for habitats lost to construction and restoration activities, loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on black tern.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Mitigation Measure BIO-129a: Compensate for Loss of Black Tern Nesting Habitat

Because there is no near-term acreage commitment associated with the protection of rice in CZ 2, BDCP proponents must protect rice at a 1:1 ratio for each acre of rice impacted in CZ 2.

Impact BIO-129b: Indirect Effects of Plan Implementation on Black Tern

~~Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (BDCP Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4), although there are no available data to determine the extent to which these noise levels could affect black tern.~~ If black terns were to nest in or adjacent to work areas, construction and subsequent maintenance-related noise and visual disturbances could mask calls, disrupt foraging and nesting behaviors, and reduce the functions of suitable nesting habitat for these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would avoid the potential for adverse effects of construction-related activities on survival and productivity of nesting black terns. The use of mechanical equipment during restoration activities could cause the accidental release of petroleum or other contaminants that could affect black terns in the surrounding habitat. The inadvertent discharge of sediment or excessive dust adjacent to suitable habitat could also have an adverse effect on these species. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills and ensure that measures are in place to prevent runoff from the construction area and negative effects of dust on active nests.

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At

Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including black tern. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4, CM5) would lead to adverse effects on black tern.

Because of the uncertainty that exists at this programmatic level of review, there could be an effect on black tern from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Noise and visual disturbances from the construction of conservation components could black tern use of modeled habitat adjacent to work areas. Moreover, the use of mechanical equipment for the construction of conservation components could cause the accidental release of petroleum or other contaminants, or the inadvertent discharge of sediment or excess dust adjacent to suitable habitat. AMM1–AMM7 and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting individuals.

Tidal habitat restoration could result in increased exposure of black tern to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

CEQA Conclusion: Noise and visual disturbances from the construction of conservation components could affect black tern use of modeled habitat adjacent to work areas. Moreover, the use of mechanical equipment for the construction of conservation components could cause the accidental release of petroleum or other contaminants, or the inadvertent discharge of sediment or excess dust adjacent to suitable habitat which could result in potential mortality of a special-status species. These impacts would be significant. AMM1–AMM7, and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce these impacts to a less-than–significant level.

Tidal habitat restoration could result in increased exposure of black tern to selenium, which could result in the mortality of a special-status species. This impact would be significant. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. With AMM27 in place, potential effects of increased exposure of black tern to selenium would be reduced to a less-than-significant impact.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-129c: Periodic Effects of Inundation on Black Tern Nesting Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass would inundate 791–1,582 acres of suitable black tern nesting habitat (land currently managed as rice in CZ 2). Inundation would occur during the nonbreeding season but could reduce the availability of nesting habitat during years that flooding extends into the nesting season (past March). Extended inundation of the Yolo Bypass would not be expected to affect black tern nesting habitat. However, if periodic inundation took land out of rice production, this could have an adverse effect on black tern nesting habitat. Late season flooding in the Yolo Bypass could result in the loss of rice (nesting habitat for black tern) by precluding the preparation and planting of rice fields. The methods for estimating loss of rice in the bypass and results are provided in ~~BDCP~~ Appendix 5.J, Attachment 5J.E, *Estimation of BDCP Impact on Giant Garter Snake Summer Foraging Habitat in the Yolo Bypass*, of the Draft BDCP. This analysis concludes that the estimated loss of rice could be up to 1,662 acres by the late long-term timeframe. The BDCP has committed to protect, restore and/or create up to 1,700 acres of rice in the Yolo Bypass (Objective GGS3.1). These acres of rice would be protected in areas that are less susceptible to inundation, which would benefit the black tern during years in which the magnitude and duration of inundation were increased.

NEPA Effects: Flooding of the Yolo Bypass is not expected to adversely affect nesting habitat for black tern. However, if flooding were to extend into the nesting season or were to significantly reduce rice production it could also reduce suitable black tern nesting habitat. This potential effect would not be adverse with the creation and/or protection of 1,700 acres of rice in CZ 2 under Objective GGS3.1 in the BDCP.

CEQA Conclusion: Flooding of the Yolo Bypass is not expected to have a significant impact on nesting habitat for black tern. However, if flooding were to extend into the nesting season or were to significantly reduce rice production it could also reduce suitable black tern nesting habitat. This potential impact would be reduced to less than significant by the creation and/or protection of 1,700 acres of rice in CZ 2 under Objective GGS3.1 in the BDCP.

California Horned Lark and Grasshopper Sparrow

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on California horned lark and grasshopper sparrow. The primary impact of concern for grasshopper sparrow and California horned lark would be the loss of breeding habitat in the Plan Area, which includes grassland vernal pool complex, and alkali seasonal wetland natural communities and selected cultivated lands including grain and hay crops and pasture. Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled breeding habitat for California horned lark and grasshopper sparrow as indicated in Table 12-4-49. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit the California horned lark and the grasshopper sparrow (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Within the at least 48,625 acres of protected cultivated lands, protect at least 42,275 acres of cultivated lands as Swainson's hawk foraging habitat with at least 50% in very high-value habitat in CZs 2, 3, 4, 5, 7, 8, 9, and 11 (Objective SH1.2, associated with CM3).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for these species and implementation of AMM1–AMM7 and Mitigation Measure BIO-75, impacts on California horned lark and grasshopper sparrow would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-49. Changes in California Horned Lark and Grasshopper Sparrow Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Breeding	1,~~969~~967	1,~~969~~967	~~633~~503	~~633~~503	NA	NA
Total Impacts CM1		**1,~~969~~967**	**1,~~969~~967**	**~~633~~503**	**~~633~~503**	**NA**	**NA**
CM2–CM18	Breeding	5,450	26,198	376	893	1,158–3,650	3,823
Total Impacts CM2–CM18		**5,450**	**26,198**	**376**	**893**	**1,158–3,650**	**3,823**
TOTAL IMPACTS		**7,~~419~~417**	**28,~~167~~165**	**~~1,009~~879**	**1,~~526~~396**	**1,158–3,650**	**3,823**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-130: Loss or Conversion of Habitat for and Direct Mortality of California Horned Lark and Grasshopper Sparrow

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 29,~~693~~ 561 acres of modeled nesting habitat for California horned lark and grasshopper sparrow (of which 28,~~167~~ 165 acres would be a permanent loss and 1,~~526~~ 396 acres would be a temporary loss of habitat, Table 12-4-49). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), and construction of conservation hatcheries (CM18). The majority of habitat loss (20,880 acres) would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, and the construction of recreational trails, signs, and facilities, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate California horned lark and grasshopper sparrow modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 2,~~602~~ 470 acres of modeled California horned lark and grasshopper sparrow habitat (1,~~969~~ 967 acres of permanent loss, ~~633~~ 503 acres of temporary loss). Impacts would occur from the construction of Intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland; the rerouting of Highway 160; construction of the intermediate forebay; and from a reusable tunnel material storage area on Bouldin Island. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable foraging habitat for the species. Approximately 796 acres of impact would be from the placement of reusable tunnel material area west of the Clifton Court Forebay in CZ 8. In addition, permanent habitat loss would occur from the construction of the new forebay south of the existing Clifton court Forebay in CZ 8. ~~Impacts would occur from the construction of intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable nesting habitat. Approximately 685 acres of impact would be from the new forebay constructed south of the Clifton Court Forebay in CZ 8. Some of the grassland habitat lost at the sites of new canals south of Clifton Court Forebay is composed of larger stands of ruderal and herbaceous vegetation and California annual grassland, which is also suitable nesting habitat for the species.~~ Grasshopper sparrows were detected in DHCCP surveys south of Byron Highway in CZ 8 (1 occurrence) and east of Intakes 2 and 3 (6 occurrences), in the Stone Lakes NWR. However, the CM1 footprint does not overlap with any grasshopper sparrow or California horned lark occurrences. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would require preconstruction surveys and the establishment of no-disturbance buffers and would be available to address adverse effects on nesting California horned larks or grasshopper sparrows. Refer to the Terrestrial Biology Map~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 1,274 acres of modeled California horned lark and grasshopper sparrow habitat (898 acres of permanent loss, 376 acres of temporary loss) in the Yolo Bypass in CZ 2. Impacted habitat would consist primarily of grassland and pasture. Most of the grassland losses would occur at the north end of the bypass below Fremont Weir, along the Toe Drain/Tule Canal, and along the west side channels. Realignment of Putah Creek could also involve excavation and grading in alkali seasonal wetland complex habitat as a new channel is constructed. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 20,880 acres of modeled California horned lark and grasshopper sparrow habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 1,450 acres of modeled California horned lark and grasshopper sparrow nesting habitat (933 permanent, 517 temporary). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.
- *CM7 Riparian Natural Community Restoration*: Riparian restoration would permanently remove approximately 370 acres of California horned lark and grasshopper sparrow nesting habitat as part of tidal restoration and 1,489 acres as part of seasonal floodplain restoration.
- *CM8 Grassland Natural Community Restoration* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration:* Temporary construction-related disturbance of grassland habitat would result from implementation of CM8 and CM9 in in CZs 1, 2, 4, 5, 7, 8, and 11. However, all areas would be restored after the construction periods. Grassland restoration would be implemented on agricultural lands that also provide nesting habitat for California horned lark and grasshopper sparrow and would result in the conversion of 837 acres of cultivated lands to grassland.
- *CM10 Nontidal Marsh Restoration:* Implementation of CM10 would result in the permanent removal of 705 acres of California horned lark and grasshopper sparrow nesting habitat.
- *CM11 Natural Communities Enhancement and Management:* A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland habitat would be lost from the construction of trails and facilities.

  Habitat management- and enhancement-related activities could disturb California horned lark and grasshopper sparrow nests. If either species were to nest in the vicinity of a worksite, equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects.
- *CM18 Conservation Hatcheries:* Implementation of CM18 would remove up to 35 acres of modeled California horned lark and grasshopper sparrow habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect California horned lark and grasshopper sparrow use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however,

would be reduced by AMM1–AMM7, Mitigation Measure BIO-75, and conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged California horned lark and grasshopper sparrow if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If either species were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75 would be available to address these adverse effects.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of modeled breeding habitat for California horned lark and grasshopper sparrow in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management*, and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to compensate for the CM1 losses of 2,~~602~~ 470 acres of California horned lark and grasshopper sparrow habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of California horned lark and grasshopper sparrow nesting habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding adverse effects of habitat loss on California horned lark and grasshopper sparrow. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand breeding habitat for California horned lark and grasshopper sparrow and reduce the effects of current levels of habitat fragmentation. Under *CM11*

Natural Communities Enhancement and Management, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential nesting habitat for California horned lark and grasshopper sparrow (Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide potential nesting habitat for California horned lark and grasshopper sparrow. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would provide nesting habitat for California horned lark and grasshopper sparrow.

The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on California horned lark and grasshopper sparrow, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1. Mitigation Measure BIO-130, *Compensate for the Near-Term Loss of California Horned Lark and Grasshopper Sparrow Habitat* would be available to address the adverse effect of habitat loss in the near-term.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

California horned lark and grasshopper sparrow are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~ 561 acres of modeled California horned lark and grasshopper sparrow habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternative* , of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand breeding habitat for California horned lark and grasshopper sparrow and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential nesting habitat for California horned lark and grasshopper sparrow (Objective CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types. These are very high- and high-value crop types for Swainson's hawk (Objective SH1.2) and would provide potential nesting habitat for California horned lark and grasshopper sparrow.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. California horned lark and grasshopper sparrow are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

NEPA Effects: The loss of California horned lark and grasshopper sparrow habitat and potential mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, and with implementation of Mitigation Measure BIO-130, *Compensate for the Near-Term Loss of California Horned Lark and Grasshopper Sparrow Habitat*, the effects of habitat loss on California horned lark and grasshopper sparrow under Alternative 4 would not be adverse. California horned lark and grasshopper sparrow are not covered species under the BDCP, and potential mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 8,~~428~~ 296acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of modeled breeding habitat for California horned lark and grasshopper sparrow in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 for protection of habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to mitigate the CM1 losses of 2,~~602~~ 470 acres of California horned lark and grasshopper sparrow habitat. The near-term effects of other conservation actions would remove 5,826 acres of modeled habitat, and therefore require 11,652 acres of protection of California horned lark and grasshopper sparrow nesting habitat using the same typical NEPA and CEQA ratio (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses thereby avoiding significant impacts on California horned lark and grasshopper sparrow. Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand breeding habitat for California horned lark and grasshopper sparrow and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential nesting habitat for California horned lark and grasshopper sparrow (Objective CLNC1.1). Approximately 87% of cultivated lands protected by the late long-term time period would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide potential nesting habitat for California horned lark and grasshopper sparrow. This biological objective provides an estimate for the high proportion of cultivated lands protected in the near-term time period which would provide nesting habitat for California horned lark and grasshopper sparrow.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

In the absence of other conservation actions, the effects on California horned lark and grasshopper sparrow habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. This impact would be significant. California horned lark and grasshopper sparrow are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on California horned lark and grasshopper sparrow, as well as mitigate the near-term effects of the other conservation measures with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would be managed in suitable crop types to compensate for the loss of habitat at a ratio of 2:1. With the acres of habitat protection and restoration described above, in addition to AMM1-7, and i~~I~~mplementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-130, *Compensate for the Near-Term Loss of California Horned Lark and Grasshopper Sparrow Habitat,* Alternative 4 would not result in a substantial adverse effect through habitat modification and would not substantially reduce the number or restrict the range of either species. Therefore, Alternative 4 would have a ~~would reduce the impact of habitat loss in the near-term to a~~ less-than-significant ~~level~~impact on California horned lark and grasshopper sparrow.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

~~California horned lark and grasshopper sparrow are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than-significant level.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,692 acres of modeled California horned lark and grasshopper sparrow habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand breeding habitat for California horned lark and grasshopper sparrow and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4).

Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential nesting habitat for California horned lark and grasshopper sparrow (Objective CLNC1.1). Approximately 42,275 acres of cultivated lands protected would be in alfalfa and pasture crop types (very high- and high-value crop types for Swainson's hawk (Objective SH1.2) which would also provide potential nesting habitat for California horned lark and grasshopper sparrow. The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. California horned lark and grasshopper sparrow are not covered species under the BDCP. For the BDCP to avoid impacts on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.

In the absence of other conservation actions, the effects on California horned lark and grasshopper sparrow habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. This impact would be significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7, Mitigation Measure BIO-75, and Mitigation Measure BIO-130, *Compensate for the Near-Term Loss of California Horned Lark and Grasshopper Sparrow Habitat*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on California horned lark and grasshopper sparrow.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Mitigation Measure BIO-130: Compensate for the Near-Term Loss of California Horned Lark and Grasshopper Sparrow Habitat

DWR will manage and protect sufficient acres of cultivated lands such as pasture, grain and hay crops, or alfalfa to provide California horned lark and grasshopper sparrow habitat such that the total acres of habitat impacted in the near-term timeframe are mitigated at a ratio of 2:1 protection. Additional grassland protection, enhancement, and management may be substituted for the protection of cultivated lands.

Impact BIO-131: Effects on California Horned Lark and Grasshopper Sparrow and Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of grasshopper sparrow and California horned lark. *AMM20 Greater Sandhill Crane* would minimize the risk of bird strikes by installing flight-diverters on new and selected existing powerlines.

NEPA Effects: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of grasshopper sparrow and California horned lark. With the implementation of *AMM20 Greater Sandhill Crane*, the effect of new transmission lines on California horned lark and grasshopper sparrow would not be adverse.

CEQA Conclusion: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of grasshopper sparrow and California horned lark. With the incorporation of *AMM20 Greater Sandhill Crane*, new transmission lines would have a less-than-significant impact on grasshopper sparrow and California horned lark.

Impact BIO-132: Indirect Effects of Plan Implementation on California Horned Lark and Grasshopper Sparrow

Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect California horned lark and grasshopper sparrow use of modeled habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect California horned lark or grasshopper sparrow. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills. The inadvertent discharge of sediment or excessive dust adjacent to California horned lark and grasshopper sparrow nesting habitat could also have a negative effect on these species. AMM1–AMM7 would ensure that measures are in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

NEPA Effects: Indirect effects on California horned lark and grasshopper sparrow as a result of Alternative 4 implementation could have adverse effects on these species through the modification of habitat and potential for direct mortality. California horned lark and grasshopper sparrow are not covered species under the BDCP, and potential mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. In conjunction with AMM1–AMM7, Mitigation Measure BIO-75 *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

CEQA Conclusion: Indirect effects on California horned lark and grasshopper sparrow as a result of Alternative 4 implementation could have a significant impact on these species. The incorporation of AMM1–AMM7 into the BDCP and the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-133: Periodic Effects of Inundation on California Horned Lark and Grasshopper Sparrow as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 1,158-3,650 acres of modeled California horned lark and grasshopper sparrow habitat (Table 12-4-49).

Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 3,823 acres of modeled habitat (Table 12-4-49).

Reduced foraging habitat availability may be expected during the fledgling period of the nesting season due to periodic inundation. However, inundation would occur during the nonbreeding season and would not be expected to have an adverse effect on either species.

NEPA Effects: Periodic inundation of floodplains would not have adverse effects on grasshopper sparrow or California horned lark because inundation is expected to occur prior to the breeding season and inundation.

CEQA Conclusion: Periodic inundation of floodplains would not have a significant impact on grasshopper sparrow or California horned lark because inundation is expected to occur prior to the breeding season.

Least Bittern and White-Faced Ibis

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on least bittern and white-faced ibis. Modeled breeding habitat for least bittern and white-faced ibis includes tidal freshwater, nontidal freshwater emergent wetlands, managed wetlands, and other natural seasonal wetlands in CZ 2, 4, and 11. Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled habitat for mountain plover as indicated in Table 12-4-50. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit least bittern and white-faced ibis (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1, associated with CM4).

- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for these species and implementation of AMM1–AMM7, *AMM27 Selenium Management*, and Mitigation Measure BIO-75, impacts on least bittern and white-faced ibis would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-50. Changes in Least Bittern and White-Faced Ibis Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT[c]	Temporary NT	Temporary LLT[c]	Periodic[d] Yolo	Periodic[d] Floodplain
CM1	Nesting	1	1	45	45	NA	NA
Total Impacts CM1		**1**	**1**	**45**	**45**	**NA**	**NA**
CM2–CM18	Nesting	5,134	13,063	45	45	961–2,672	NA
Total Impacts CM2–CM18		**5,134**	**13,063**	**45**	**45**	**961–2,672**	**NA**
TOTAL IMPACTS		**5,135**	**13,064**	**~~46~~47**	**~~46~~47**	**961–2,672**	**NA**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. Yolo periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-134: Loss or Conversion of Habitat for and Direct Mortality of Least Bittern and White-Faced Ibis

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 13,~~113~~ 111 acres of modeled habitat for least bittern and white-faced ibis (13,064 acres of permanent loss and ~~49~~ 47 of temporary loss, Table 12-4-50). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), and tidal habitat restoration (CM4). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate least bittern and white-faced ibis habitat. Each of these individual activities is described below. A summary statement of the combined impacts, NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~:* Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 5 acres of modeled least bittern and white-faced ibis habitat (1 acre of permanent loss, ~~4~~ 5 acres of temporary loss) from CZ 4. Permanent impacts on habitat would occur from a reusable tunnel material storage site north of Twin Cities Road and east of the Intermediate Forebay. Temporary impacts would occur from the construction of two temporary transmission lines one extending east along Lambert Road from the Lambert Road Vent Shaft, and one extending south from the Lambert Road Vent Shaft to the Intermediate Forebay. The construction footprint for CM1 does not overlap with any occurrences of least bittern or white-faced ibis. However, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize effects on least bittern and white-faced ibis if they were to nest in the vicinity of the construction footprint. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement would permanently remove 55 acres of modeled least bittern and white-faced ibis habitat in the Yolo Bypass in CZ 2. In addition, 45 acres of habitat would be temporarily removed. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration site preparation and inundation would permanently remove an estimated 13,008 acres of modeled least bittern and white-faced ibis habitat in CZ 2, 4, and 11 by the late long-term time period.

- *CM11 Natural Communities Enhancement and Management:* A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of least bittern and white-faced ibis habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available least bittern and white-faced ibis habitat.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect least bittern and white-faced ibis use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to further reduce effects.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of least bittern and white-faced ibis because adults and fledged young would be expected to avoid contact with construction and other equipment. However, if either species were to nest in the construction area, equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Construction-related activities could also flush least bittern adults from nests and lead to collision with man-made objects (Sterling 2008). Mitigation Measure BIO-75 would require preconstruction surveys in and adjacent to work areas and, if nests were present, no disturbance buffers would be implemented.~~Mitigation Measure BIO-75 would be available to address these adverse effects.~~

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 5,~~184~~ 182 acres of modeled habitat for least bittern and white-faced ibis in the study area in the near-term (5,135 acres of permanent loss, and ~~49~~ 47 acres of temporary loss). These effects would result from the construction of the water conveyance facilities (CM1, ~~5~~ 6 acres), and the implementation of other conservation measures (Yolo Bypass fisheries enhancement [CM2], and tidal restoration [CM4] 5,179 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 1:1 for restoration/creation and 1:1 protection of least bittern and white-faced ibis habitat. Using these ratios would indicate that ~~5~~ 6 acres of habitat should be restored and ~~5~~ 6 acres of habitat should be protected to compensate for the CM1 losses of 5 acres of least bittern and white-faced ibis habitat. The near-term effects of other conservation actions would remove 5,179 acres of modeled habitat, and therefore require 5,179 acres of restoration and 5,179 acres of protection of least bittern and white-faced ibis habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of restoring 8,850 acres of tidal freshwater emergent wetland and protecting and enhancing 4,800 acres of managed wetland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM4 and CM3 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on least bittern and white-faced ibis. The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft EIR/EIS) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The 4,800 acres of managed wetland would be protected and enhanced in CZ 11 and would benefit these species through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 400 acres of nontidal marsh would be created, some of which would provide nesting habitat for least bittern and white-faced ibis. These Plan objectives represent performance standards for considering the effectiveness of restoration and protection actions. The acres of restoration and protection contained in the near-term Plan goals satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Least bittern and white-faced ibis are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 13,~~113~~ 111 acres (13,064 acres of permanent loss, ~~49~~ 47 acres of temporary loss) of least bittern and white-faced ibis habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM4 Tidal Natural Communities Restoration* to restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1). In addition, 1,200 acres of nontidal marsh would be created through *CM10 Nontidal Marsh Restoration* and 8,100 acres of managed wetland would be protected and enhanced in CZ 11.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Least bittern and white-faced ibis are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided.

NEPA Effects: The loss of least bittern and white-faced ibis habitat and potential mortality of these special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with the habitat protection and restoration associated with CM3, CM4, CM6, CM7, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss under Alternative 4 on least bittern and white-faced ibis would not be adverse. Least bittern and white-faced ibis are not covered species under the BDCP, and the potential for mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this effect.

***CEQA Conclusion*:**

Near-Term Timeframe

Because the water conveyance facilities construction (CM1)is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant under CEQA. Alternative 4 would remove 5,~~184~~ 182 acres of modeled habitat for least bittern and white-faced ibis in the study area in the near-term (5,~~135~~ 135 acres of permanent loss, and ~~49~~ 47 acres of temporary loss). These effects would result from the construction of the water conveyance facilities (CM1, ~~5~~ 6 acres), and the implementation of other conservation measures (Yolo Bypass fisheries enhancement [CM2], and tidal restoration [CM4] 5,179 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected would be 1:1 for restoration/creation and 1:1 protection of least bittern and white-faced ibis habitat. Using these ratios would indicate that ~~5~~ 6 acres of habitat should be restored and ~~5~~ 6 acres of habitat should be protected to mitigate the CM1 losses of ~~5~~ 6 acres of least bittern and white-faced ibis habitat. The near-term effects of other conservation actions would remove 5,179 acres of modeled habitat, and therefore require 5,179 acres of restoration and 5,179 acres of protection of least bittern and white-faced ibis habitat using the same typical NEPA and CEQA ratios (1:1 for restoration and 1:1 for protection).

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal freshwater emergent wetland and 4,800 acres of managed wetland in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM4 and CM3 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on least bittern and white-faced ibis. The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The 4,800 acres of managed wetland would be protected and enhanced in CZ 11 and would benefit these species through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 400 acres of nontidal marsh would be created, some of which would provide nesting habitat for least bittern and white-faced ibis. These Plan objectives represent performance standards for considering the effectiveness of restoration and protection actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on least bittern and white-faced ibis habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. This impact would be significant. Least bittern and white-faced ibis are not covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The acres of restoration and protection contained in the near-term Plan goals satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures. With the acres of habitat protection and restoration described above, in addition to AMM1-7, and implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, Alternative 4 would not result in a substantial adverse effect through habitat modification and would not substantially reduce the number or restrict the range of either species. Therefore, Alternative 4 would have a less-than-significant impact on least bittern and white-faced ibis.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*. Least bittern and white-faced ibis are not covered species under the BDCP. For the BDCP to have a less-than-significant impact on individuals, preconstruction surveys would be required to ensure that nests were detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce the potential impact on nesting least bittern and white-faced ibis to a less-than-significant level.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 13,~~113~~ 111 acres (13,064 acres of permanent loss, ~~49~~ 47 acres of temporary loss) of least bittern and white-faced ibis habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM4 Tidal Natural Communities Restoration* to restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1). In addition, 1,200 acres of nontidal marsh would be created through *CM10 Nontidal Marsh Restoration* and 8,100 acres of managed wetland would be protected and enhanced in CZ 11.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Least bittern and white-faced ibis are not covered species under the BDCP. For the BDCP to have a less than adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests were detected and avoided. Implementation of Mitigation Measure BIO-75 would reduce the potential impact on nesting least bittern and white-faced ibis and to a less-than-significant level.

In the absence of other conservation actions, the effects on least bittern and white-faced ibis habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. This impact would be significant. Least bittern and white-faced ibis are not covered species under the BDCP. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7 and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on least bittern and white-faced ibis.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-135: Effects on Least Bittern and White-Faced Ibis Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of least bittern and white-faced ibis. Waterbirds have a higher susceptibility to collisions than passerines, raptors, and other birds. Bitterns and ibises have a high wing loading/low aspect ratio which limits their maneuverability and make them more vulnerable to collisions rather than more agile species (see Draft BDCP Appendix 5.J, Attachment 5J.C, *Analysis of Potential Bird Collisions at Proposed BDCP Powerlines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. All new project transmission lines would be fitted with flight diverters which would reduce bird strike risk of least bittern and white-faced ibis.~~The risk for bird-power line strikes would be minimized with the incorporation of *AMM20 Greater Sandhill Crane* into the BDCP. This measure would ensure that conductor and ground lines are fitted with flight diverters in compliance with the best available practices, such as those specified in the USFWS Avian Protection Guidelines.~~

NEPA Effects**:** New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of least bittern and white-faced ibis. Bitterns and ibises have a high wing loading/low aspect ratio which limits their maneuverability and make them more vulnerable to collisions rather than more agile species. The implementation of *AMM20 Greater Sandhill Crane* would require the installation of bird flight diverters on all new transmission lines, which could reduce bird strike risk of least bittern and white-faced ibis by 60%. With the installation of bird flight diverters, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on least bittern and white-faced ibis. ~~With the incorporation of~~

~~*AMM20 Greater Sandhill Crane* into the BDCP, new transmission lines would not have an adverse effect on least bittern and white-faced ibis.~~

***CEQA Conclusion*:** New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of least bittern and white-faced ibis. Bitterns and ibises have a high wing loading/low aspect ratio which limits their maneuverability and make them more vulnerable to collisions rather than more agile species. The implementation of *AMM20 Greater Sandhill Crane* would require the installation of bird flight diverters on all new transmission lines, which could reduce bird strike risk of least bittern and white-faced ibis by 60%. With the installation of bird flight diverters, the construction and operation of new transmission lines under Alternative 4 would result in a less-than-significant impact on least bittern and white-faced ibis.~~With the incorporation of *AMM20 Greater Sandhill Crane* into the BDCP, new transmission lines would have a less-than-significant impact on least bittern and white-faced ibis.~~

Impact BIO-136: Indirect Effects of Plan Implementation on Least Bittern and White-Faced Ibis

Indirect construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect least bittern and white-faced ibis use of modeled habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect least bittern or white-faced ibis. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could adversely affect these species or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring~~. The inadvertent discharge of sediment or excessive dust adjacent to least bittern and white-faced ibis could also have a negative effect on these species. AMM1–AMM7 would~~ and would ensure that measures ~~are~~ were in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

Methylmercury Exposure: Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS.~~, Appendix XD which~~The review includes an overview of the BDCP-related mechanisms that could result in increased mercury in the food web, and how exposure to individual species may occur based on feeding habits and where their habitat overlaps with the areas where mercury bioavailability could increase. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect least bittern and white-faced ibis, via uptake in lower tropic levels (as described in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS~~the BDCP, Appendix 5.D, *Contaminants*~~).

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIS/SDEIS)~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas ~~will~~would be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on least bittern and white-faced ibis.~~

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including least bittern and white-faced ibis. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4 and CM5) would lead to adverse effects on least bittern and white-faced ibis.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on least bittern and white-faced ibis from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

NEPA Effects: Indirect effects on least bittern and white-faced ibis as a result of constructing the water conveyance facilities could have adverse effects on these species in the absence of other conservation actions. However, the implementation of AMM1–AMM7 would help to reduce this effect. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would also be available to address the adverse indirect effects of construction on active nests. Tidal habitat restoration could result in increased exposure of least bittern and white-faced ibis to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Increased methylmercury associated with natural community and floodplain restoration could indirectly affect least bittern and white-faced ibis, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP). However, it is unknown what concentrations of methylmercury are harmful to the species, and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on least bittern and white-faced ibis.~~*CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans.~~

~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would better inform potential adverse effects and address the uncertainty of methylmercury levels in restored tidal marsh in the study area. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for least bittern and white-faced ibis, once site specific sampling and other information could be developed~~.

CEQA Conclusion: Indirect effects of noise and visual disturbance, in addition to the potential for hazardous spills or increased dust on least bittern and white-faced ibis and their habitat as a result of ~~constructing the water conveyance facilities~~plan implementation would represent a substantial adverse effect in the absence of other conservation actions. This impact would be significant. ~~could have a significant impact on these species.~~ The incorporation of AMM1–AMM7 into the BDCP and the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level. ~~Increased methylmercury associated with natural community and floodplain restoration could indirectly affect least bittern and white-faced ibis, via uptake in lower tropic levels (as described in the BDCP, Appendix 5.D, *Contaminants*). In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans. Tidal habitat restoration could result in increased exposure of least bittern and white-faced ibis to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.~~ Tidal habitat restoration could result in increased exposure of least bittern and white-faced ibis to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of least bittern and white-faced ibis to methylmercury in restored tidal areas. However, it is unknown what concentrations of methylmercury are harmful to these species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on least bittern and white-faced ibis.

Indirect effects of plan implementation would represent an adverse effect on least bittern and white-faced ibis in the absence of other conservation measures. This would be a significant impact. With AMM1-7, *AMM27 Selenium Management*, and CM12 in place, and with the implementation of Mitigation Measure BIO-75, indirect effects of plan implementation would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the indirect effects of Alternative 4 plan implementation would have a less-than-significant ~~not have a significant~~ impact on least bittern and white-faced ibis.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-137: Periodic Effects of Inundation on Least Bittern and White-Faced Ibis as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 961-2,672 acres of modeled least bittern and white-faced ibis habitat (Table 12-4-50). However, no adverse effects of increased inundation frequency on nesting habitat would be expected because wetland vegetation has persisted under the existing Yolo Bypass flooding regime, and changes to frequency and inundation are within the tolerance of these vegetation types. Inundation would occur in the nonbreeding season and wetlands supporting habitat would not be expected to be affected by flood flows.

NEPA Effects: Periodic inundation of Yolo Bypass would not be expected to have adverse effects on least bittern or white-faced ibis because wetland vegetation has persisted under the existing Yolo Bypass flooding regime, and changes to frequency and inundation are within the tolerance of these vegetation types.

CEQA Conclusion: Periodic inundation of Yolo Bypass would not be expected to have a significant impact on least bittern or white-faced ibis because wetland vegetation has persisted under the existing Yolo Bypass flooding regime, and changes to frequency and inundation are within the tolerance of these vegetation types.

Loggerhead Shrike

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on loggerhead shrike. Modeled habitat for loggerhead shrike includes both high-value and low-value modeled habitat. High-value habitat includes grassland, vernal pool complex and alkali seasonal wetland natural communities in addition to cultivated lands, including pasture and grain and hay crops. Breeding shrikes require shrubs and tall trees for perching and nest placement, and are generally associated with riparian edge grasslands (Humple 2008) or cultivated lands with associated trees and shrubs. Loggerhead shrike modeled habitat is overestimated as it does not differentiate between lands with or without associated nesting vegetation. Low-value habitat includes row crops such as truck and berry crops and field crops which are not considered to be valuable habitat for the species but were included in the model as they may provide foraging opportunities.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of modeled habitat for loggerhead shrike as indicated in Table 12-4-51. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit loggerhead shrike (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objectives ASWNC1.1 and VPNC1.1, associated with CM3).

- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).
- Protect at least 48,625 acres of cultivated lands that provide suitable habitat for covered and other native wildlife species (Objective CLNC1.1, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3 and CM11).
- Establish 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands at a minimum rate of 400 linear feet per 100 acres (Objective SH2.2, associated with CM11).
- associated with Environmental Commitment 3, Environmental Commitment 7, and Environmental Commitment 11.

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities that would enhance habitat for the species and implementation of AMM1–AMM7, and Mitigation Measure BIO-75, impacts on loggerhead shrike would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-51. Changes in Loggerhead Shrike Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	High-value	1,~~969~~967	1,~~969~~967	~~633~~503	~~633~~503	NA	NA
	Low-value	~~2,274~~1,379	~~2,274~~1,379	~~575~~610	~~575~~610	NA	NA
Total Impacts CM1		**~~4,243~~3,346**	**~~4,243~~3,346**	**1,~~208~~113**	**1,~~208~~113**	**NA**	**NA**
CM2–CM18	High-value	5,450	26,198	376	893	777–2,423	3,823
	Low-value	1,801	17,575	97	624	672–1,996	4,315
Total Impacts CM2–CM18		**7,251**	**43,~~723~~773**	**474**	**1,517**	**1,830–5,646**	**8,138**
Total High-value		**7,~~419~~417**	**28,~~167~~165**	**~~1,009~~879**	**1,~~526~~396**		
Total Low-value		**~~4,075~~3,180**	**~~19~~18,~~848~~954**	**~~672~~707**	**~~1,199~~1,234**		
TOTAL IMPACTS		**~~11,494~~10,597**	**~~48~~47,~~015~~119**	**1,~~682~~586**	**2,~~407~~630**	**1,830–5,646**	**8,138**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. Yolo periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-138: Loss or Conversion of Modeled Habitat for and Direct Mortality of Loggerhead Shrike

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~50,422~~49,749 acres of modeled habitat for loggerhead shrike (of which 29,~~693~~ 561 acres is of high-value and ~~21,047~~20,188 acres is of low value, Table 12-4-51). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), channel margin enhancement (CM6), riparian restoration, (CM7), grassland restoration (CM8), vernal pool and wetland restoration (CM9), nontidal marsh restoration (CM10), natural communities enhancement and management (CM11) and construction of conservation hatcheries (CM18). The majority of habitat loss (33,244 acres) would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, and the construction of recreational trails, signs, and facilities, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate loggerhead shrike modeled habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~:* Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to 2,~~602~~ 470 acres of high-value loggerhead shrike habitat (1,~~969~~ 967 acres of permanent loss, ~~633~~ 503 acres of temporary loss). In addition, ~~2,849~~1,989 acres of low-value habitat would be removed (1,379 ~~2,274~~ acres of permanent loss, ~~575~~ 610 acres of temporary loss). Impacts would occur from the construction of Intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland; the rerouting of Highway 160; construction of the intermediate forebay; and from a reusable tunnel material storage area on Bouldin Island. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable foraging habitat for the species. Approximately 796 acres of impact would be from the placement of reusable tunnel material area west of the Clifton Court Forebay in CZ 8. In addition, permanent habitat loss would occur from the construction of the new forebay south of the existing Clifton court Forebay in CZ 8. Temporarily affected areas (grassland, cultivated lands, and associated shrubs or trees) would be restored within 1 year following completion of construction activities as described *in AMM10 Restoration of Temporarily Affected Natural Communities.*

  ~~Impacts would occur from the construction of intakes 2, 3, and 5 and associated temporary work areas and access roads in CZ 4 between Clarksburg and Courtland. The construction of the permanent and temporary transmission line corridors through CZs 4-6 and 9 would also remove suitable nesting habitat. The largest impact from CM1 on loggerhead shrike would occur in CZ 8, where there are larger stands of ruderal and herbaceous vegetation and California annual grassland, which provides high-value habitat for the species. Approximately 685 acres of impact would be from the new forebay constructed south of the Clifton Court Forebay in CZ 8.~~ Loggerhead shrikes nest in high abundance in shrubs associated with the~~se~~ grasslands to the south and to the west of Clifton Court Forebay. Shrikes were detected using this area at a much higher rate than other grasslands and areas in the Delta during DHCCP surveys (Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS). Impacts from CM1 that overlap with recorded loggerhead shrike nest occurrences (from CNDDB and DHCCP surveys) include the construction of the new forebay (~~4~~ 5 occurrences), the Reusable Tunnel Material storage area north-west of the existing forebay (~~1~~ 2 occurrences), ~~and the temporary canal work area north of Byron highway (1 occurrence). The footprint for the~~ permanent transmission line ~~temporary transmission lines also intersects with one loggerhead shrike occurrence just~~ south of Clifton Court Road and ~~to the north~~west of the ~~RTM storage area, east of Byron~~existing Clifton Court Forebay (1 occurrence), a permanent~~.~~ transmission line that extends along the northern extent of the Reusable Tunnel Material storage areas west of the existing forebay (1 occurrence). Mitigation Measure BIO-75 *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would require preconstruction surveys and the establishment of no-disturbance buffers and would be available to address adverse effects on nesting loggerhead shrikes. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 1,274 acres of high-value loggerhead shrike habitat (898 acres of permanent loss, 376 acres of temporary loss) in the Yolo Bypass in CZ 2. In addition, 182 acres of low-value habitat would be removed (85 acres of permanent loss, 97 acres of temporary loss). The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration site preparation and inundation would permanently remove an estimated 20,880 acres of high-value loggerhead shrike habitat and 12,364 acres of low-value habitat. The majority of the acres lost would consist of cultivated lands in CZs 1, 2, 4, 5, 6, and/or 7. Grassland losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough. Losses of alkali seasonal wetland complex habitat would likely occur in the south end of the Yolo Bypass and on the northern fringes of Suisun Marsh.

- *CM5 Seasonally Inundated Floodplain Restoration:* Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 1,450 acres of high-value loggerhead shrike habitat (933 permanent, 517 temporary). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration:* Riparian restoration would permanently remove approximately 370 acres of high-value loggerhead shrike habitat as part of tidal restoration and 1,489 acres as part of seasonal floodplain restoration. In addition, 503 acres of low-value habitat would be removed as a part of tidal restoration and 1,971 acres would be removed as part of seasonal floodplain restoration through CM7.

- *CM8 Grassland Natural Community Restoration* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration:* Temporary construction-related disturbance of grassland habitat would result from implementation of CM8 and CM9 in in CZs 1, 2, 4, 5, 7, 8, and 11. However, all areas would be restored after the construction periods. Grassland restoration would be implemented on agricultural lands that also provide habitat for loggerhead shrike and would result in the conversion of 1,849 acres of cultivated lands to high-value grassland.

- *CM10 Nontidal Marsh Restoration*: Implementation of CM10 would result in the permanent removal of 705 acres of high-value loggerhead shrike habitat and 735 acres of low-value loggerhead shrike habitat.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. Fences (e.g.

barbed wire) installed as part of Environmental Commitment 11, in or adjacent to protected grasslands and cultivated lands could benefit loggerhead shrike by providing hunting perches and impalement opportunities. CM11 would also include the construction of recreational-related facilities including trails, interpretive signs, and picnic tables (~~BDCP~~ Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland habitat would be lost from the construction of trails and facilities.

Habitat management- and enhancement-related activities could disturb loggerhead shrike nests. If either species were to nest in the vicinity of a worksite, equipment operation could destroy nests if shrubs and trees in grasslands or cultivated lands were removed, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of high-value loggerhead shrike habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1. Hatchery construction is expected to occur within the first 10 years of Plan implementation.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect loggerhead shrike use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMM1–AMM7, Mitigation Measure BIO-75, and conservation actions as described below.
- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged loggerhead shrike if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If either species were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75 would be available to address these potential effects.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, ~~1,009~~879 temporary) of high-value habitat for loggerhead shrike in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland*

Natural Community Restoration, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres). In addition, ~~7,583~~3,887 acres of low-value habitat would be removed or converted in the near-term (CM1, ~~2,849~~1,989 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—1,898 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 protection of high-value habitat. Using this ratio would indicate that ~~5,204~~4,940 acres should be protected to compensate for the loss of high-value habitat from CM1. The near-term effects of other conservation actions would require 11,652 acres of protection to compensate for the loss of high-value shrike habitat using the same typical NEPA and CEQA ratio (2:1 protection for the loss of high-value habitat). The loss of low-value habitat would not require mitigation because a large proportion of the low-value habitat would result from the conversion and enhancement to high-value habitats. In addition, temporary impacts on cultivated lands would be restored relatively quickly after completion of construction.

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would create larger, more expansive patches of high-value habitat for loggerhead shrike and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential high-value habitat for loggerhead shrike (Objective CLNC1.1). In addition, there is a commitment in the plan (Objective CLNC1.3) to maintain and protect small patches of trees and shrubs within cultivated lands that would maintain foraging perches and nesting habitat for the species. The establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands would also provide high-value nesting habitat for loggerhead shrike (Objective SH2.2). The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community. Riparian areas would be restored, maintained, and enhanced to provide a mix of early-, mid- and late-successional habitat types with a well-developed understory of dense shrubs. *AMM18 Swainson's Hawk* includes a measure to plant large mature trees, including transplanting trees scheduled for removal. Trees would be planted in areas that support high-value Swainson's hawk foraging habitat within or adjacent to conserved cultivated lands, or as a component of the riparian restoration where they are in close proximity to suitable foraging habitat. Locating tree plantings and riparian restoration adjacent to Swainson's hawk foraging habitat would also provide suitable nesting habitat for loggerhead shrike. These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The combined acres of restoration and protection of 3,660 acres of grassland, vernal pool complex, and alkali seasonal wetland contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 and other near-term effects on loggerhead shrike high-value habitat with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would include suitable high-value crop types for loggerhead shrike. Sufficient acreage of the protected cultivated lands would need to be managed in pasture, alfalfa, or grain and hay crops such that the near-term impacts on high-value habitat were compensated for at a ratio of 2:1. Mitigation Measure BIO-138, *Compensate for the Near-Term Loss of High-Value Loggerhead Shrike Habitat* would be available to address the adverse effect of near-term high-value habitat loss. With the management and enhancement of cultivated lands including insect prey enhancement through CM3 and CM11, the protection of shrubs and establishment of hedgerows within protected cultivated lands would compensate for any potential effect from the loss of low-value loggerhead shrike foraging habitat.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The loggerhead shrike is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~ 561 acres of high-value loggerhead shrike habitat during the term of the Plan. In addition, ~~21,047~~20,188 acres of low-value loggerhead shrike habitat would be impacted. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration, CM7 Riparian Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would create larger, more expansive patches of high-value habitat for loggerhead shrike and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 48,625 acres of potential high-value habitat for loggerhead shrike (Objective CLNC1.1). In addition, there is a commitment in the plan (Objective CLNC1.3) to maintain and protect small patches of trees and shrubs within cultivated lands that would maintain foraging perches and nesting habitat for the species. The establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands would also provide high-value nesting habitat for loggerhead shrike (Objective SH2.2). The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community. Riparian areas would be restored, maintained, and enhanced to provide a mix of early-, mid- and late-successional habitat types with a well-developed understory of dense shrubs. *AMM18 Swainson's Hawk* includes a measure to plant large mature trees, including transplanting trees scheduled for removal. Trees would be planted in areas that support high-value Swainson's hawk foraging habitat within or adjacent to conserved cultivated lands, or as a component of the riparian restoration where they are in close proximity to suitable foraging habitat. Locating tree plantings and riparian restoration adjacent to Swainson's hawk foraging habitat would also provide suitable nesting habitat for loggerhead shrike.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *~~AMM7~~ AMM10 Restoration of Temporarily Affected Natural Communities~~Barge Operations Plan~~*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The loggerhead shrike is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

NEPA Effects: The loss of loggherhead shrike habitat and potential mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM8, CM9, and CM11, guided by biological goals and objectives and by AMM1–~~AMM7~~AMM6,*AMM10 Restoration of Temporarily Affected Natural Communities, and AMM18 Swainson's Hawk,* and with implementation of Mitigation Measure BIO-138, *Compensate for the Near-Term Loss of High-Value Loggerhead Shrike Habitat,* which would be available to guide the near-term protection and management of cultivated lands, the effects of habitat loss on loggerhead shrike under Alternative 4 would not be adverse. Loggerhead shrike is not a covered species under the BDCP, and potential mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided.

Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 8,~~428~~ 296 acres (7,~~419~~ 417 permanent, 1,~~009~~ 879 temporary) of high-value habitat for loggerhead shrike in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, 2,~~602~~ 470 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—5,826 acres). In addition, ~~7,583~~7,887 acres of low-value habitat would be removed or converted in the near-term (CM1, ~~2,849~~1,989 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Communities Enhancement and Management* and *CM18 Conservation Hatcheries*—1,898 acres).

The typical NEPA and CEQA project-level mitigation ratio for those natural communities affected would be 2:1 protection of high-value habitat. Using these typical ratios would indicate that ~~5,204~~4,940 acres should be protected to compensate for the loss of high-value habitat from CM1. The near-term effects of other conservation actions would require 11,652 acres of protection to compensate for the loss of high-value shrike habitat using the same typical NEPA and CEQA ratio (2:1 protection for the loss of high-value habitat). The loss of low-value habitat would not require mitigation because a large proportion of the low-value habitat would result from the conversion and enhancement to high-value habitats. In addition, temporary impacts on cultivated lands would be restored relatively quickly after completion of construction.

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,400 acres of non-rice cultivated lands (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM8, and CM9 and would occur in the same timeframe as the construction and early restoration losses.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZs 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would create larger, more expansive patches of high-value habitat for loggerhead shrike and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 15,400 acres of potential high-value habitat for loggerhead shrike (Objective CLNC1.1). In addition, there is a commitment in the plan (Objective CLNC1.3) to maintain and protect small patches of trees and shrubs within cultivated lands that would maintain foraging perches and nesting habitat for the species. The establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands would also provide high-value nesting habitat for loggerhead shrike (Objective SH2.2). The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community. Riparian areas would be restored, maintained, and enhanced to provide a mix of early-, mid- and late-successional habitat types with a well-developed understory of dense shrubs. *AMM18 Swainson's Hawk* includes a measure to plant large mature trees, including transplanting trees scheduled for removal. Trees would be planted in areas that support high-value Swainson's hawk foraging habitat within or adjacent to conserved cultivated lands, or as a component of the riparian restoration where they are in close proximity to suitable foraging habitat. Locating tree plantings and riparian restoration adjacent to Swainson's hawk foraging habitat would also provide suitable nesting habitat for loggerhead shrike. These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM10 Restoration of Temporarily Affected Natural Communities.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on loggerhead shrike habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Loggerhead shrike is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The combined acres of restoration and protection of 3,660 acres of grassland, vernal pool complex, and alkali seasonal wetland contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 and other near-term effects on loggerhead shrike high-value habitat with the consideration that some portion of the 15,400 acres of cultivated lands protected in the near-term timeframe would include suitable high-value crop types for loggerhead shrike. Sufficient acreage of the protected cultivated lands would need to be managed in pasture, alfalfa, or grain and hay crops such that the near-term impacts on high-value habitat were compensated for at a ratio of 2:1. With the acres of habitat protection and restoration described above, in addition to Mitigation Measure BIO-138, *Compensate for the Near-term Loss of High-Value Loggerhead Shrike Habitat* , Alternative 4 would not result in a substantial adverse effect through loss of high-value habitat. The management and enhancement of cultivated lands including insect prey enhancement through CM3 and CM11, the protection of shrubs and establishment of hedgerows within protected cultivated lands would compensate for any potential substantial impact from the loss of low-value loggerhead shrike foraging habitat. In addition, AMM1-AMM7, and implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would avoid potentially significant impacts on nesting individuals. ~~The implementation of Mitigation Measure BIO-138, *Compensate for the Near-term Loss of High-Value Loggerhead Shrike Habitat*~~. With these measures in place, Alternative 4 would not result in a substantial adverse effect through habitat modification and would not substantially reduce the number or restrict the range of either species. Therefore, Alternative 4 would have a less-than-significant impact on California horned lark and grasshopper sparrow.

~~would reduce the impact of near-term high-value habitat loss to a less-than-significant level. With the management and enhancement of cultivated lands including insect prey enhancement through CM3 and CM11, the protection of shrubs and establishment of hedgerows within protected cultivated lands would compensate for any potential impact from the loss of low-value loggerhead shrike foraging habitat.~~

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

~~The loggerhead shrike is not a covered species under the BDCP and in order to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than-significant level.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 29,~~692~~ 561 acres of high-value loggerhead shrike habitat during the term of the Plan. In addition, ~~21,047~~20,188 acres of low-value loggerhead shrike habitat would be impacted. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM8 Grassland Natural Community Restoration,* and *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration* to protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3 *Description of Alternatives*, of this RDEIR/SDEIS). Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2). Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would create larger, more expansive patches of high-value habitat for loggerhead shrike and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, insect prey populations would be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Cultivated lands that provide habitat for covered and other native wildlife species would provide approximately 48,625 acres of potential high-value habitat for loggerhead shrike (Objective CLNC1.1). In addition, there is a commitment in the plan (Objective CLNC1.3) to maintain and protect small patches of trees and shrubs within cultivated lands that would maintain foraging perches and nesting habitat for the species. The establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands would also provide high-value nesting habitat for loggerhead shrike (Objective SH2.2). The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of valley/foothill riparian natural community. Riparian areas would be restored, maintained, and enhanced to provide a mix of early-, mid- and late-successional habitat types with a well-developed understory of dense shrubs. *AMM18 Swainson's Hawk* includes a measure to plant large mature trees, including transplanting trees scheduled for removal. Trees would be planted in areas that support high-value Swainson's hawk foraging habitat within or adjacent to conserved cultivated lands, or as a component of the riparian restoration where they are in close proximity to suitable foraging habitat. Locating tree plantings and riparian restoration adjacent to Swainson's hawk foraging habitat would also provide suitable nesting habitat for loggerhead shrike.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM10 Restoration of Temporarily Affected Natural Communities*~~*AMM7 Barge Operations Plan*~~. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. The loggerhead shrike is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this potential impact to a less-than–significant level.

In the absence of other conservation actions, the effects on loggerhead shrike habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, and Mitigation Measure BIO-138, *Compensate for the Near-Term Loss of High-Value Loggerhead Shrike Habitat*, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on loggerhead shrike.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Mitigation Measure BIO-138: Compensate for the Near-Term Loss of High-Value Loggerhead Shrike Habitat

Because the BDCP does not include acreage commitments for the protection of crop types in the near-term time period, DWR will manage and protect sufficient acres of cultivated lands such as pasture, grain and hay crops, or alfalfa as high-value loggerhead shrike habitat such that the total acres of high-value habitat impacted in the near-term timeframe are mitigated at a ratio of 2:1. Additional grassland protection, enhancement, and management may be substituted for the protection of high-value cultivated lands.

Impact BIO-139: Effects on Loggerhead Shrike Associated with Electrical Transmission Facilities

Loggerhead shrike's small, relatively maneuverable body; it's lack of flocking behavior, and it's diurnal foraging behavior, contribute to a low risk of collision with the proposed transmission lines. Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). For example, Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. As described in *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which would substantially reduce any potential for mortality of loggerhead shrike individuals from powerline collisions.

~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of loggerhead shrike. The risk for bird-power line strikes, would be minimized for lesser sandhill crane with the incorporation of *AMM20 Greater Sandhill Crane* into the BDCP. This measure would ensure that conductor and ground lines are fitted with flight diverters in compliance with the best available practices, such as those specified in the USFWS Avian Protection Guidelines and would further ensure no adverse effect from electrical transmission facilities.~~

NEPA Effects**:** Loggerhead shrike's small, relatively maneuverable body; it's lack of flocking behavior, and it's diurnal foraging behavior, contribute to a low risk of collision with the proposed transmission lines In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new transmission lines, which would substantially reduce the risk of bird strike for loggerhead shrike from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on loggerhead shrike.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of loggerhead shrike. With the implementation of *AMM20 Greater Sandhill Crane* the effect of new transmission lines on loggerhead shrike would not be adverse.~~

CEQA Conclusion**:** Loggerhead shrike's small, relatively maneuverable body; it's lack of flocking behavior, and it's diurnal foraging behavior, contribute to a low risk of collision with the proposed transmission lines In addition, *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new transmission lines, which would substantially reduce the risk of bird strike for loggerhead shrike from the project. Therefore, the construction and operation of new transmission lines under Alternative 4 would result in a less-than-significant impact on loggerhead shrike.~~New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of loggerhead shrike. With the incorporation of *AMM20 Greater Sandhill Crane* into the BDCP, new transmission lines would have a less-than-significant impact on loggerhead shrike.~~

Impact BIO-140: Indirect Effects of Plan Implementation on Loggerhead Shrike

Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect loggerhead shrike use of modeled habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect loggerhead shrike. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Indirect effects from construction of the new forebay in CZ 8 could result in substantial effects on active loggerhead shrike nests. DHCCP surveys in 2009 detected 10 nest sites south-west of the Clifton Court Forebay (Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS) and the large expanses of grassland in CZ 8 provide high-value nesting habitat for the species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance facilities construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills. The inadvertent discharge of sediment or excessive dust adjacent to loggerhead shrike nesting habitat could also have a negative effect on these species. AMM1–AMM7 would ensure that measures are in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

NEPA Effects: Indirect effects on loggerhead shrike as a result of Alternative 4 implementation could have adverse effects on these species through the modification of habitat and potential for direct mortality. Construction of the new forebay in CZ 8 would have the potential to disrupt nesting loggerhead shrikes in the highly suitable habitat surrounding Clifton Court Forebay and adjacent to work areas. The loggerhead shrike is not a covered species under the BDCP, and the potential for mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. In conjunction with AMM1–AMM7, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

CEQA Conclusion: Indirect effects on loggerhead shrike as a result of Alternative 4 implementation could have a significant impact on these species. Construction of the new forebay in CZ 8 would have the potential to disrupt nesting loggerhead shrikes in the highly suitable habitat surrounding Clifton Court Forebay and adjacent to work areas. The incorporation of AMM1–AMM7 into the BDCP and the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-141: Periodic Effects of Inundation on Loggerhead Shrike as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from Fremont Weir operations (*CM2 Yolo Bypass Fisheries Enhancement*) would increase the frequency and duration of inundation on approximately 1,830–5,646 acres of modeled loggerhead shrike habitat (consisting of approximately 777–2,423 acres of high-value habitat; Table 12-4-51). Based on hypothetical footprints, implementation of *CM5 Seasonally Inundated Floodplain Restoration* could result in the periodic inundation of up to approximately 8,138 acres of modeled habitat (Table 12-4-51), consisting of 3,823 acres of high-value and 4,315 acres of low-value habitat.

Reduced foraging habitat availability may be expected during the fledgling period of the nesting season due to periodic inundation. However, increased frequency and duration of inundation would occur during the nonbreeding season.

NEPA Effects: Periodic inundation of floodplains would not result in an adverse effect on loggerhead shrike from the modification of habitat. Reduced foraging habitat availability may be expected during the fledgling period of the nesting season due to periodic inundation. However, increased frequency and duration of inundation would occur during the nonbreeding season.

CEQA Conclusion: Periodic inundation of floodplains would result in a less-than-significant impact on loggerhead shrike from the modification of habitat. Reduced foraging habitat availability may be expected during the fledgling period of the nesting season due to periodic inundation. However, increased frequency and duration of inundation would occur during the nonbreeding season.

Song Sparrow "Modesto" Population

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on Modesto song sparrow. The Modesto song sparrow is common and ubiquitous throughout the Plan area, excluding CZ 11, and modeled habitat for the species includes managed wetlands, tidal freshwater emergent, nontidal freshwater emergent, and valley/foothill riparian vegetation communities.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent removal of Modesto song sparrow habitat in the quantities indicated in Table 12-4-52. However, BDCP activities are expected to have little impact on the population. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit Modesto song sparrow (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM7).
- Protect at least 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZ 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1, associated with CM4).

- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10)
- Create 500 acres of managed wetlands in CZ 3, 4, 5, or 6 (Objectives GSHC1.3 and GSHC1.4, associated with CM10).
- Increase prey availability and accessibility for grassland-foraging species (Objectives ASWNC2.4, VPNC2.5, and GNC2.4, associated with CM11).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).
- Establish 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands at a minimum rate of 400 linear feet per 100 acres (Objective SH2.2, associated with CM3).

As explained below, with the restoration or protection of these amounts of habitat, in addition to implementation of AMM1–AMM7*, AMM10 Restoration of Temporarily Affected Natural Communities,* and Mitigation Measure BIO-75, impacts on Modesto song sparrow would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-52. Changes in Modesto Song Sparrow Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting	~~49~~68	~~49~~68	~~73~~81	~~73~~81	NA	NA
Total Impacts CM1		**~~49~~68**	**~~49~~68**	**~~73~~81**	**~~73~~81**	**NA**	**NA**
CM2–CM18	Nesting	2,444	3,253	133	169	81-158	284
Total Impacts CM2–CM18		2,444	3,253	133	169	81-158	284
TOTAL IMPACTS		**2,~~493~~512**	**3,~~302~~321**	**~~206~~214**	**~~242~~250**	**81-158**	**284**

[a] See Appendix 12E*, Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-142: Loss or Conversion of Habitat for and Direct Mortality of Modesto Song Sparrow

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to 3,~~544~~ 571 acres of modeled habitat for Modesto song sparrow (3,~~302~~ 321 acres of permanent loss and ~~242~~ 250 acres of temporary loss, Table 12-4-52). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass fisheries improvements(CM2), tidal habitat restoration (CM4), and floodplain restoration (CM5). Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate Modesto song sparrow modeled habitat. Temporarily affected areas would be restored as riparian habitat within 1 year following completion of construction activities as described *in AMM10 Restoration of Temporarily Affected Natural Communities*. Although the effects are considered temporary, the restored riparian habitat would require a period of time for ecological succession to occur and for restored riparian habitat to functionally replace habitat that has been affected. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follows the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~:* Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~122~~ 149 acres of modeled Modesto song sparrow habitat (~~49~~ 68 acres of permanent loss, ~~73~~ 81 acres of temporary loss) from CZs 3-6 and CZ 8. The CM1 construction footprint overlaps with ~~35~~ 77 Modesto song sparrow occurrences and the species is ubiquitous throughout the Delta. The ~~reusable~~ Reusable ~~tunnel~~ Tunnel ~~material~~ Material storage areas throughout the central Delta overlaps with ~~25~~ 24 occurrences, shaft locations along the tunnel alignment overlap with 9 occurrences, the permanent transmission line overlaps with ~~four~~ 6 occurrences, and ~~three~~ 1 occurrence~~s~~ overlaps with the construction of the new forebay in CZ 8. In addition, ~~the~~ ~~t~~temporary impacts overlap with species occurrences including the construction of a transmission line (1 occurrence)~~,~~ and ~~a barge unloading facility north of Bacon Island overlap with three occurrences of Modesto song sparrow.~~geotechnical exploration zones along the tunnel alignment (17 occurrences). Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would require preconstruction surveys and the establishment of no-disturbance buffers and would be available to address adverse effects on nesting Modesto song sparrows. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Construction of the water conveyance facilities and the resultant impacts would occur within the first 10-14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement:* Construction of the Yolo bypass fisheries enhancement would permanently remove 143 acres of modeled Modesto song sparrow habitat in the Yolo Bypass in CZ 2. In addition, 133 acres of habitat would be temporarily removed. These losses would occur in the near-term timeframe and primarily consist of valley/foothill riparian natural community and managed wetland. The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration:* Tidal habitat restoration site preparation and inundation would result in the conversion of an estimated loss of 3,066 acres of modeled Modesto song sparrow habitat by the late long-term timeframe.
- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 80 acres of modeled Modesto song sparrow habitat (44 permanent, 36 temporary). These losses would be expected to occur along the San Joaquin River and other major waterways in CZ 7. The BDCP is expected to restore approximately 5,000 acres of valley/foothill riparian natural community. These lands would be managed as a mosaic of seral stages, age classes, and plant heights, some of which would provide suitable nesting habitat for Modesto song sparrow.
- *CM6 Channel Margin Enhancement:* Channel margin habitat enhancement could result in removal of small amounts of valley/foothill riparian habitat along 20 miles of river and sloughs. The extent of this loss cannot be quantified at this time, but the majority of the enhancement activity would occur along waterway margins where riparian habitat stringers exist, including levees and channel banks. The improvements would occur within the study area on sections of the Sacramento, San Joaquin and Mokelumne Rivers, and along Steamboat and Sutter Sloughs. Some of the restored riparian habitat in the channel margin would be expected to support nesting habitat for Modesto song sparrow.
- *CM11 Natural Communities Enhancement and Management:* A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of modeled habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on available habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP.

  Habitat management- and enhancement-related activities could affect Modesto song sparrow nests. If the individuals were to nest in the vicinity of a worksite, equipment operation could destroy nests, and noise and visual disturbances could lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects.
- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect Modesto song sparrow use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.
- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged Modesto song sparrow if they were present in the Plan Area, because they would be expected to avoid contact with construction and other equipment. If ~~either~~ the species were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75 would be available to address these effects.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 2,~~699~~ 726 acres of modeled habitat (2,~~493~~ 512 permanent, ~~206~~ 214 temporary) for Modesto song sparrow in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~122~~ 149 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—2,577 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities that would be affected would be 1:1 for restoration/creation and 1:1 protection of habitat. Using these ratios would indicate that ~~122~~ 149 acres of suitable habitat should be restored/created and ~~122~~ 149 acres should be protected to compensate for the CM1 losses of ~~122~~ 149 acres of Modesto song sparrow habitat. The near-term effects of other conservation actions would remove 2,577 acres of modeled habitat, and therefore require 2,577 acres of restoration/creation and 2,577 acres of protection of Modesto song sparrow habitat using the same typical NEPA and CEQA ratios (1:1 for restoration/creation and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community, restoring 2,000 acres of tidal freshwater emergent wetland, restoring 500 acres of managed wetland, and restoring 400 acres of nontidal marsh in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM7, and CM10 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding adverse effects of habitat loss on Modesto song sparrow. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would provide suitable Modesto song sparrow nesting habitat. The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The nontidal marsh restoration would occur in CZs 2, 4, and/or 5, and the managed wetland restoration would occur in CZs 3, 4, 5, or 6. Both the nontidal marsh and managed wetland restoration are associated with CM10 and would provide nesting habitat for Modesto song sparrow.

The Plan also includes commitments to protect patches of important wildlife habitat on cultivated lands such as trees and shrubs along borders and roadside, riparian corridors, and wetlands (Objective CLNC1.3). In addition, 20- to 30-foot-wide hedgerows would be established along field borders and roadsides, which would provide additional habitat for the species (Objective SH2.2). The management of protected grasslands to increase insect prey through techniques such as the avoidance of use of pesticides (Objectives ASWNC2.4, VPNC2.5, and GNC2.4) would provide further benefits to foraging Modesto song sparrows. These Plan objectives represent performance standards for considering the effectiveness of conservation actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Modesto song sparrow, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material* and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Modesto song sparrow is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for ~~noncovered~~ avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 3,~~544~~ 571 acres (3,~~302~~ 321 acres of permanent loss, ~~242~~ 250 acres of temporary loss) of modeled Modesto song sparrow habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration,* and *CM10 Nontidal Marsh Restoration* to protect 750 acres and restore 5,000 acres of the valley/foothill riparian natural community, restore 24,000 acres of tidal freshwater emergent wetland, restore 500 acres of managed wetland, and restore 1,200 acres of nontidal marsh in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Additional acres of valley/foothill riparian habitat would be restored as a component of channel margin enhancement actions (CM6) along 20 miles of river and slough channels in the Delta, some of which would be expected to support nesting habitat for Modesto song sparrow. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable nesting habitat for Modesto song sparrow.

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The nontidal marsh restoration would occur in CZs 2, 4, and/or 5, and the managed wetland restoration would occur in CZs 3, 4, 5, or 6. Both the nontidal marsh and managed wetland restoration are associated with CM10 and would provide nesting habitat for Modesto song sparrow.

The Plan includes commitments to protect patches of important wildlife habitat on cultivated lands such as trees and shrubs along borders and roadside, riparian corridors, and wetlands (Objective CLNC1.3). In addition, 20- to 30-foot-wide hedgerows would be established along field borders and roadsides, which would provide additional habitat for the species (Objective SH2.2). The management of protected grasslands to increase insect prey through techniques such as the avoidance of use of pesticides (Objectives ASWNC2.4, VPNC2.5, and GNC2.4) would provide further benefits to foraging Modesto song sparrows. These Plan objectives represent performance standards for considering the effectiveness of conservation actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Modesto song sparrow, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Modesto song sparrow is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

NEPA Effects: The loss of Modesto song sparrow habitat and potential mortality of this special-status species under Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM4, CM6, CM7, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss on Modesto song sparrow under Alternative 4 would not be adverse. The Modesto song sparrow is not a covered species under the BDCP, and potential mortality would be an adverse effect without preconstruction surveys to ensure that nests are detected and avoided. Mitigation Measure BIO-75 would be available to address this effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 2,~~699~~ 726 acres of modeled habitat (2,~~493~~ 512 permanent, ~~206~~ 214 temporary) for Modesto song sparrow in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~122~~ 149 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—2,577 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities that would be affected would be 1:1 for restoration/creation and 1:1 protection of habitat. Using these ratios would indicate that ~~122~~ 149 acres of suitable habitat should be restored/created and ~~122~~ 149 acres should be protected to mitigate the CM1 losses of ~~122~~ 149 acres of Modesto song sparrow habitat. The near-term effects of other conservation actions would remove 2,577 acres of modeled habitat, and therefore require 2,577 acres of restoration/creation and 2,577 acres of protection of Modesto song sparrow habitat using the same typical NEPA and CEQA ratios (1:1 for restoration/creation and 1:1 for protection).

The BDCP has committed to near-term goals of protecting 750 acres and restoring 800 acres of the valley/foothill riparian natural community, restoring 2,000 acres of tidal freshwater emergent wetland, restoring 500 acres of managed wetland, and restoring 400 acres of nontidal marsh in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM7, and CM10 and would occur in the same timeframe as the construction and early restoration losses, thereby avoiding a significant impact of habitat loss on Modesto song sparrow. The majority of the riparian restoration acres would occur in CZ 7 as part of a reserve system with extensive wide bands or large patches of valley/foothill riparian natural community (Objectives VFRNC1.1 and VFRNC1.2 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would provide suitable Modesto song sparrow nesting habitat. The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The nontidal marsh restoration would occur in CZs 2, 4, and/or 5, and the managed wetland restoration would occur in CZs 3, 4, 5, or 6. Both the nontidal marsh and managed wetland restoration are associated with CM10 and would provide nesting habitat for Modesto song sparrow.

The Plan also includes commitments to protect patches of important wildlife habitat on cultivated lands such as trees and shrubs along borders and roadside, riparian corridors, and wetlands (Objective CLNC1.3). In addition, 20- to 30-foot-wide hedgerows would be established along field borders and roadsides, which would provide additional habitat for the species (Objective SH2.2). The management of protected grasslands to increase insect prey through techniques such as the avoidance of use of pesticides (Objectives ASWNC2.4, VPNC2.5, and GNC2.4) would provide further benefits to foraging Modesto song sparrows. These Plan objectives represent performance standards for considering the effectiveness of conservation actions.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on Modesto song sparrow habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Modesto song sparrow is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Modesto song sparrow, as well as mitigate the near-term effects of the other conservation measures. With the acres of habitat protection and restoration described above, in addition to AMM1-7, and implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, Alternative 4 would not result in a substantial adverse effect through habitat modification and would not substantially reduce the number or restrict the range of the species. Therefore, Alternative 4 would have a less-than-significant impact on Modesto song sparrow.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*. Modesto song sparrow is not a covered species under the BDCP. For the BDCP to have a less-than-significant impact on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests were detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.~~

Late Long-Term Timeframe

Alternative 4 as a whole would result in the permanent loss of and temporary effects on 3,~~544~~ 571 acres (3,~~302~~ 321 acres of permanent loss, ~~242~~ 250 acres of temporary loss) of modeled Modesto song sparrow habitat during the term of the Plan. The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration,* and *CM10 Nontidal Marsh Restoration* to protect 750 acres and restore 5,000 acres of the valley/foothill riparian natural community, restore 24,000 acres of tidal freshwater emergent wetland, restore 500 acres of managed wetland, and restore 1,200 acres of nontidal marsh in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). Additional acres of valley/foothill riparian habitat would be restored as a component of channel margin enhancement actions (CM6) along 20 miles of river and slough channels in the Delta, some of which would be expected to support nesting habitat for Modesto song sparrow. Of the 5,000 acres of restored riparian natural communities, a minimum of 3,000 acres of valley/foothill riparian would be restored within the seasonally inundated floodplain, and 1,000 acres would be managed as dense early to mid-successional riparian forest (Objectives VFRNC1.1 and VFRNC1.2). Goals and objectives in the Plan for riparian restoration also include the maintenance and enhancement of structural heterogeneity (Objective VFRNC2.1) which would provide suitable nesting habitat for Modesto song sparrow.

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The nontidal marsh restoration would occur in CZs 2, 4, and/or 5, and the managed wetland restoration would occur in

CZs 3, 4, 5, or 6. Both the nontidal marsh and managed wetland restoration are associated with CM10 and would provide nesting habitat for Modesto song sparrow.

The Plan includes commitments to protect patches of important wildlife habitat on cultivated lands such as trees and shrubs along borders and roadside, riparian corridors, and wetlands (Objective CLNC1.3). In addition, 20- to 30-foot-wide hedgerows would be established along field borders and roadsides, which would provide additional habitat for the species (Objective SH2.2). The management of protected grasslands to increase insect prey through techniques such as the avoidance of use of pesticides (Objectives ASWNC2.4, VPNC2.5, and GNC2.4) would provide further benefits to foraging Modesto song sparrows. These Plan objectives represent performance standards for considering the effectiveness of conservation actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on Modesto song sparrow, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. ~~Modesto song sparrow is not a covered species under the BDCP. For the BDCP to minimize direct mortality of individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.~~

In the absence of other conservation actions, the effects on Modesto song sparrow habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with the implementation of AMM1–AMM7, and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of either species. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on Modesto song sparrow.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-143: Effects on Modesto Song Sparrow Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of Modesto song sparrow. Existing lines currently pose this risk for Modesto song sparrow and the incremental increased risk from the construction of new transmission lines is not expected to adversely affect the population.

***NEPA Effects*:** The incremental increased risk of bird-powerline strikes from the construction of new transmission lines would not adversely affect the Modesto song sparrow population.

***CEQA Conclusion*:** The incremental increased risk of bird-powerline strikes from the construction of new transmission lines would have a less-than-significant impact on the Modesto song sparrow population.

Impact BIO-144: Indirect Effects of Plan Implementation on Modesto Song Sparrow

Indirect construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect Modesto song sparrow use of modeled habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect Modesto song sparrow. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could affect these species or their prey in the surrounding habitat. AMM1–AMM7 including *AMM2 Construction Best Management Practices and Monitoring* would minimize the likelihood of such spills from occurring. The inadvertent discharge of sediment or excessive dust adjacent to Modesto song sparrow could also have a negative effect on these species. AMM1–AMM7 would ensure that measures are in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

Methylmercury Exposure: Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect Modesto song sparrow, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft EIR/EIS).

In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on Modesto song sparrow.

NEPA Effects: Indirect effects on Modesto song sparrow as a result of constructing the Alternative 4 water conveyance facilities could adversely affect individuals in the absence of other conservation actions. The incorporation of AMM1–AMM7 into the BDCP and the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would minimize this adverse effect. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of Modesto song sparrow to methylmercury. However, it is unknown what concentrations of methylmercury are harmful to the species and the potential for increased exposure varies substantially within the study area. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management* would address the potential impacts of methylmercury levels in restored tidal marsh in the study area. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for Modesto song sparrow, once site specific sampling and other information could be developed.

CEQA Conclusion: Indirect effects on Modesto song sparrow as a result of constructing the Alternative 4 water conveyance facilities could have a significant impact on the species. The incorporation of AMM1–AMM7 into the BDCP and the implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level. The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of Modesto song sparrow to methylmercury. However, it is unknown what concentrations of methylmercury are harmful to the species. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in *CM12 Methylmercury Management*, would address the potential impacts of methylmercury levels in restored tidal marsh in the study area.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-145: Periodic Effects of Inundation on Modesto Song Sparrow as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass (CM2) would inundate 81–158 acres of modeled Modesto song sparrow habitat. However, inundation would occur during the nonbreeding season. Reduced foraging habitat availability would be expected during the fledgling period of the nesting season due to periodic inundation.

Based on hypothetical floodplain restoration, construction of setback levees from seasonally inundated floodplain restoration (CM5) could result in periodic inundation of up to approximately 284 acres of Modesto song sparrow modeled habitat (Table 12-4-52).

The periodic inundation of the Yolo Bypass (CM2) and of seasonal floodplains (CM5) is expected to restore a more natural flood regime in support of wetland and riparian vegetation types that support Modesto song sparrow habitat, but may reduce the availability of nesting habitat during years when flooding extends into the nesting season (past March).

NEPA Effects: Periodic effects of inundation would not result in an adverse effect on Modesto song sparrow because increased frequency and duration of inundation would be expected to restore a more natural flood regime in support of wetland and riparian vegetation types that support Modesto song sparrow habitat.

CEQA Conclusion: Periodic effects of inundation would have a less-than-significant impact on Modesto song sparrow because increased frequency and duration of inundation would be expected to restore a more natural flood regime in support of wetland and riparian vegetation types that support Modesto song sparrow habitat.

Bank Swallow

This section describes the effects of Alternative 4, including construction and implementation of other conservation components, on bank swallow. Bank swallows nest in colonies along rivers, streams, or other water and require fine textured sandy soils in vertical banks to create their burrows. There is little suitable habitat for bank swallow in the study area because most of the erodible banks have been stabilized with of levee revetment. The placement of rock revetment prevents the lateral migration of rivers, removing the natural river process that creates vertical banks through erosion (Bank Swallow Technical Advisory Committee 2013, Stillwater Sciences 2007).An estimated 70-90% of the bank swallow population in California nests along the Sacramento and Feather Rivers (Bank Swallow Technical Advisory Committee 2013) upstream of the study area. However, there are three CNDDB records of bank swallow colonies in the study area: two in CZ 2 north of Fremont Weir, and one in CZ 5 on Brannan Island, just west of Twitchell Island.

The closest natural community to represent modeled habitat for bank swallow is valley foothill riparian. Although there are impacts to the valley foothill riparian natural community along the northeast corner of Clifton Court Forebay, at the intermediate forebay, and on Bouldin Island, it is highly unlikely that the habitat in these locations is suitable for bank swallow (alluvial soils that form steep, eroded banks that have not been stabilized with levee revetment). Reusable tunnel material areas are not expected to be colonized by nesting bank swallows, as it is unlikely that the substrate would provide suitable nesting habitat for the species. However, if reusable tunnel material areas were to become suitable for swallows over time, Mitigation Measure BIO-146 *Active Bank Swallow Colonies Shall Be Avoided and Indirect Effects on Bank Swallow Will Be Minimized*, would avoid impacts on nesting bank swallows by requiring surveys to be conducted prior to the removal of reusable tunnel material. Construction and restoration associated with Alternative 4 conservation measures would not result in the direct loss of modeled habitat for bank swallow. However, indirect effects of noise and visual disturbance from CM2 Yolo Bypass Fisheries Enhancements and *CM4 Tidal Natural Communities Restoration* could impact bank swallow colonies if they were present near work areas. In addition, there is uncertainty with respect to how water flows upstream of the study area would affect bank swallow habitat.

As explained below, impacts on bank swallow under Alternative 4 would not be adverse for NEPA purposes and would be less than significant for CEQA purposes with the implementation of mitigation measures to monitor colonies and address the uncertainty of upstream operations on the species.

Table 12-4-53. Changes in Bank Swallow Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	Yolo	Floodplain
CM1	Nesting	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**	**NA**	**NA**
CM2–CM18	Nesting	0	0	0	0	0	0
Total Impacts CM2–CM18		**0**	**0**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**0**	**0**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-146: Indirect Effects of Implementation of Conservation Components on Bank Swallow

Noise and visual disturbances during restoration activities from *CM2 Yolo Bypass Fisheries Enhancement*, and *CM4 Tidal Natural Communities Restoration* including operation of earthmoving equipment and human activities at work sites, could result in temporary disturbances that cause bank swallow to abandon active nest burrows adjacent to construction areas. Bank swallow colonies with occupied burrows have been recorded in CZ 2 and CZ 5 and construction-related disturbances could result in an adverse effect on individuals. Various activities related to *CM11 Natural Communities Enhancement and Management* could also have indirect impacts on bank swallow.

NEPA Effects: Construction activities associated with habitat restoration could adversely affect bank swallow colonies in the absence of other measures. Noise and visual disturbances could result in adverse effects on bank swallows if active colonies were present within 500 feet of work areas. Mitigation Measure BIO-146, *Active Bank Swallow Colonies Shall Be Avoided and Indirect Effects on Bank Swallow Will Be Minimized*, would be available to address this effect.

CEQA Conclusion: Construction activities associated with habitat restoration could result in a significant impact on bank swallow colonies in the absence of other measures. Noise and visual disturbances could result in significant impacts on bank swallows if active colonies were present within 500 feet of work areas. Implementation of Mitigation Measure BIO-146, *Active Bank Swallow Colonies Shall Be Avoided and Indirect Effects on Bank Swallow Will Be Minimized*, would reduce this impact to a less-than-significant level.

Mitigation Measure BIO-146: Active Bank Swallow Colonies Shall Be Avoided and Indirect Effects on Bank Swallow Will Be Minimized

To the extent practicable, BDCP proponents will not construct conservation components during the bank swallow nesting season (April 1 through August 31). If construction activities cannot be avoided during nesting season, a qualified biologist will conduct preconstruction surveys to determine if active bank swallow nesting colonies are present within 500 feet of work areas. If no active nesting colonies are present, no further mitigation is required. Reusable tunnel material areas are not expected to be colonized by nesting bank swallows, as it is unlikely that the substrate would provide suitable nesting habitat for the species. However, reusable tunnel material sites could become suitable for swallows over time. Surveys of reusable tunnel material areas that have been present for at least 1 year, allowing the substrate to stabilize, will be conducted prior to the removal of reusable tunnel material.

If active colonies are detected, BDCP proponents will establish a nondisturbance buffer (determined in coordination with CDFW and the Bank Swallow Technical Advisory Committee) around the colony during the breeding season. In addition, a qualified biologist will monitor any active colony within 500 feet of construction to ensure that construction activities do not affect nest success.

Impact BIO-147: Effects of Upstream Reservoir and Water Conveyance Facilities Operations on Bank Swallow

Bank swallows are a riparian species that have evolved to deal with a dynamic system that changes with annual variation in variables such as rainfall, or late snowpack runoff. The primary threat to the species is loss of nesting habitat from the placement of rock revetment for levee stabilization. Because of this limited available habitat, and the reduction of natural river process, the species is highly sensitive to 1) reductions in winter flows which are necessary to erode banks for habitat creation, and 2) high flows during the breading season. The potential impacts of changes in upstream flows during the breeding season on bank swallows are the flooding of active burrows and destruction of burrows from increased bank sloughing. Bank swallows arrive in California and begin to excavate their burrows in March, and the peak egg-laying occurs during April and May (Bank Swallow Technical Advisory Committee 2013). Therefore, increases in flows after the March when the swallows have nested and layed eggs in the burrows could result in the loss of nests. On the Sacramento River, breeding season flows between 14,000 and 30,000 cfs have been associated with localized bank collapses that resulted in partial or complete colony failure (Stillwater Sciences 2007).

The CALSIM II modeling results of mean monthly flow were analyzed for three flow gauge stations on the Sacramento River (Sacramento River at Keswick, Sacramento River upstream of Red Bluff, Sacramento River at Verona) and two flow gauge stations on the Feather River (Feather River high-flow channel at Thermalito Dam, and Feather River at the confluence with the Sacramento River). Flows were estimated for wet years, above normal years, below normal years, dry years, and critical years. An average also was estimated (see Chapter 5, Section 5.3.1, *Methods for Analysis*, of this RDEIR/SDEIS for a description of the model).

On the Sacramento River at the Keswick and Red Bluff gauges, mean monthly flows under Alternative 4 ~~would~~ could increase between April and August in below normal, dry, and critical years based on modeling assumptions and output (Table 1 in Section 11C.4.1.1 and Table 3 in Section 11C.4.1.2 of Appendix 11C, *CALSIM II Model Results Utilized in the Fish Analysis*, of the Draft

EIR/EIS) which could lead to inundation of active colonies. However, model outputs indicate that ~~the~~ flows under Existing Conditions and the predicted flows in the late long-term without the project (NAA) also show increases in flows during the breeding season (April through August) in these water year types. Similar trends are shown for the Feather River (Table 15 in Section 11C.4.1.8 and Table 17 in Section 11C.4.1.9 of Appendix 11C, *CALSIM II Model Results Utilized in the Fish Analysis*, of the Draft EIR/EIS). In addition, at the Verona flow gauge on the Sacramento River in average water years (Table 7 in Section 11C.4.1.4 of Appendix 11C, *CALSIM II Model Results Utilized in the Fish Analysis*, of the Draft EIR/EIS) flows are predicted to be greater than 14,000 cfs during the breeding season (April through August,) which could lead to bank collapse. However, flows of this height are recorded under Existing Conditions at this flow gague and are also predicted for the late long-term without the project (NAA).

NEPA Effects: High spring flows on the Sacramento and Feather Rivers may already be impacting bank swallow colonies during the breeding season, and predicted flows under Alternative 4 would not be substantially greater than under the No Action Alternative. However, because of the complexity of variables that dictate suitable habitat for the species, there is uncertainty regarding the potential for and magnitude of impacts on bank swallow from changes in upstream operations. Soil type, high winter flows, and low spring flows all contribute to successful nesting of bank swallow, and even moderate changes in seasonal flows could have an adverse effect on breeding success for the species. Mitigation Measure BIO-147, *Monitor Bank Swallow Colonies and Evaluate Winter and Spring Flows Upstream of the Study Area*, would be available to address the uncertainty of potential adverse effects of upstream operations on bank swallow.

CEQA Conclusion: High spring flows on the Sacramento and Feather Rivers may already be impacting bank swallow colonies during the breeding season, and predicted flows under Alternative 4 would not be substantially greater than under the No Action Alternative. However, because of the complexity of variables that dictate suitable habitat for the species, there is uncertainty regarding the potential for and magnitude of impacts on bank swallow from changes in upstream operations. There are many variables that dictate suitable habitat for the species that cannot be clearly quantified, and seasonal changes in flow could increase or decrease suitable habitat for bank swallow depending on soil type and location of current colonies. Implementation of Mitigation Measure BIO-147, *Monitor Bank Swallow Colonies and Evaluate Winter and Spring Flows Upstream of the Study Area*, would address this potential significant impact and further determine if additional mitigation is required for bank swallow.

Mitigation Measure BIO-147: Monitor Bank Swallow Colonies and Evaluate Winter and Spring Flows Upstream of the Study Area

To address the uncertainty of the impact of upstream spring flows on existing bank swallow habitat, DWR will monitor existing colonies upstream of the study area and collect habitat suitability data including soil type, number of active burrows per colony, and height of average burrows. DWR will quantify the magnitude of spring flows that would ~~not~~ result in potential mortality of active colonies. In addition, to determine the degree to which reduced winter flows are contributing to habitat loss, DWR will quantify the winter flows required for river meander to create suitable habitat through lateral channel migration and bank resurfacing. If impacts of upstream flows on bank swallow are identified, replacement habitat will be established at a minimum of 2:1 for the length of bank habitat affected. Replacement habitat will consist of removing bank revetment to create habitat for bank swallow at a location subject to CDFW approval (Bank Swallow Technical Advisory Committee 2013).

~~To address the uncertainty of the impact of upstream spring flows on existing bank swallow habitat, DWR will monitor existing colonies upstream of the study area and collect habitat suitability data including soil type, number of active burrows per colony, and height of average burrows. In addition, to determine the degree to which reduced winter flows are contributing to habitat loss, DWR will quantify the winter flows required for river meander to create suitable habitat through lateral channel migration and bank resurfacing. If impacts of upstream flows on bank swallow are identified, further mitigation may be required after consultation with CDFW and the Bank Swallow Technical Advisory Committee. Recommended mitigation for changes in flow regimes associated with water conveyance includes conservation easements on currently occupied habitat or revetment removal projects to create habitat for bank swallow (Bank Swallow Technical Advisory Committee 2013).~~

Yellow-Headed Blackbird

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on yellow-headed blackbird. The habitat model used to assess impacts on yellow-headed blackbird includes nesting habitat and foraging habitat. Modeled nesting habitat includes tidal freshwater emergent wetland, other natural seasonal wetland, nontidal freshwater perennial emergent wetland, and managed wetland. These natural communities support aquatic insects which are important prey items for yellow-headed blackbird young (Beedy 2008). Modeled foraging habitat for yellow-headed blackbird consists of cultivated lands and noncultivated land cover types known to support abundant insect populations, including corn, pasture, and feedlots.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of yellow-headed blackbird modeled habitat as indicated in Table 12-4-54. Full implementation of Alternative 4 would include the following biological objectives over the term of the BDCP which would also benefit yellow-headed blackbird (~~BDCP~~ see Chapter 3, Section 3.3, *Biological Goals and Objectives*, of the Draft BDCP).

- Restore or create at least 24,000 acres of tidal freshwater emergent wetland in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1, associated with CM4).
- Create at least 1,200 acres of nontidal marsh consisting of a mosaic of nontidal perennial aquatic and nontidal freshwater emergent wetland natural communities (Objective NFEW/NPANC1.1, associated with CM10).
- Protect and enhance at least 8,100 acres of managed wetland, at least 1,500 acres of which are in the Grizzly Island Marsh Complex (Objective MWNC1.1, associated with CM3).
- Protect at least 8,000 acres of grassland with at least 2,000 acres protected in CZ 1, at least 1,000 acres protected in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed among CZs 1, 2, 4, 5, 7, 8, and 11 (Objective GNC1.1, associated with CM3).
- Restore at least 2,000 acres of grasslands (Objective GNC1.2, associated with CM8).
- Protect at least 150 acres of alkali seasonal wetland and at least 600 acres of existing vernal pool complex in CZs 1, 8, and/or 11 (Objective ASWNC1.1, Objective VPNC1.1, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors,

water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).

- Protect at least 11,050 acres of high- to very high-value breeding-foraging habitat (Table 12-4-54) in CZs 1, 2, 3, 4, 7, 8, or 11 (Objective TRBL1.3, associated with CM3).
- Maintain and protect the small patches of important wildlife habitats associated with cultivated lands that occur in cultivated lands within the reserve system, including isolated valley oak trees, trees and shrubs along field borders and roadsides, remnant groves, riparian corridors, water conveyance channels, grasslands, ponds, and wetlands (Objective CLNC1.3, associated with CM3).
- Increase prey abundance and accessibility for grassland-foraging species (Objective GNC2.4, associated with CM11)

As explained below, with the restoration or protection of these amounts of habitat, in addition to management activities to enhance habitats for the species and implementation of AMM1–AMM7, *AMM27 Selenium Management*, and Mitigation Measure BIO-75, impacts on yellow-headed blackbird would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-54. Changes in Yellow-Headed Blackbird Modeled Habitat Associated with Alternative 4

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	Nesting	~~15~~27	~~15~~27	~~43~~51	~~43~~51	NA	NA
	Foraging	1,~~994~~582	1,~~994~~582	~~642~~399	~~642~~399	NA	NA
Total Impacts CM1		**~~2,009~~1,609**	**~~2,009~~1,609**	**~~685~~450**	**~~685~~450**	**NA**	**NA**
CM2–CM18	Nesting	5,814	13,902	45	46	961–2,678	18
	Foraging	5,612	26,673	376	905	368–1,476	2,701
Total Impacts CM2–CM18		**11,426**	**40,575**	**421**	**951**	**1,495-4,394**	**2,719**
Total Nesting		**5,~~829~~841**	**13,~~917~~929**	**~~88~~96**	**~~89~~97**	961–2,678	18
Total Foraging		**7,~~606~~194**	**28,~~667~~255**	**~~1,018~~775**	**~~1,547~~1,304**	368–1,476	2,701
TOTAL IMPACTS		**13,~~435~~035**	**42,~~584~~184**	**~~1,106~~871**	**1,~~636~~401**	**1,495-4,394**	**2,719**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. CM2 periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-148: Loss of Habitat for and Direct Mortality of Yellow-Headed Blackbird

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~44~~43,~~220~~ 585 acres of modeled habitat (14,~~006~~ 026 acres of nesting habitat and ~~30,214~~29,559 acres of foraging habitat) for yellow-headed blackbird (Table 12-4-54). Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of reusable tunnel material~~borrow and spoil~~ areas (CM1), Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), floodplain restoration (CM5), riparian restoration (CM7), grassland restoration (CM8), marsh restoration (CM10), and construction of conservation hatcheries (CM18). Habitat enhancement and management activities (CM11) which include ground disturbance or removal of nonnative vegetation could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate yellow-headed blackbird suitable habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects, and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities Construction~~and Operation~~*: Construction of Alternative 4 water conveyance facilities would result in the combined permanent and temporary loss of up to ~~58~~ 78 acres of yellow-headed blackbird nesting habitat (~~15~~ 27 acres of permanent loss and ~~43~~ 51 acres of temporary loss). In addition, ~~2,636~~1,981 acres of foraging habitat would be removed (1,~~994~~ 582 acres of permanent loss, ~~642~~ 399 acres of temporary loss). Activities that would impact suitable ~~Yellow~~yellow-headed blackbird habitat consist of tunnel, forebay, and intake construction, temporary access roads, and construction of transmission lines. The largest losses of foraging habitat would occur from loss of corn. There are no occurrences of yellow-headed blackbird that overlap with the construction footprint for CM1. However, Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds,* would be available to address adverse effects on nesting yellow-headed blackbirds. Impacts from CM1 would occur in the central delta in CZs 3–6, and CZ 8. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Impacts from CM1 would occur within the first 10–14 years of Plan implementation.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo Bypass fisheries enhancement would result in the combined permanent and temporary loss of up to 100 acres of nesting habitat (55 acres of permanent loss, 45 acres of temporary loss) in the Yolo Bypass in CZ 2. In addition, 1,144 acres of foraging habitat would be removed (879 acres of permanent loss, 265 acres of temporary loss). The loss is expected to occur during the first 10 years of Alternative 4 implementation.

- *CM4 Tidal Natural Communities Restoration*: Site preparation and inundation from CM4 would permanently remove or convert an estimated 13,847 acres of nesting habitat, which would consist primarily of managed wetland. In addition, 20,029 acres of foraging habitat would be lost or converted as a result of tidal restoration, over half of which would be from the loss or conversion of alfalfa. However, the resulting 65,000 acres of tidal natural communities would also provide habitat for the species, 24,000 acres of which would be tidal freshwater natural communities providing breeding habitat for yellow-headed blackbird.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain and riparian restoration actions would remove approximately 2 acres of yellow-headed blackbird nesting habitat (1 acres of permanent loss, 1 acres of temporary loss) and 1,641 acres of foraging habitat (1,051 acres of permanent loss, 590 acres of temporary loss). These losses would be expected after the first 10 years of Alternative 4 implementation along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration:* Riparian restoration would permanently remove approximately 509 acres of yellow-headed blackbird foraging habitat as part of tidal restoration and 2,033 acres as part of seasonal floodplain restoration through CM7.

- *CM8 Grassland Natural Community Restoration*: Restoration of grassland is expected to be implemented on agricultural lands and would result in the conversion of 926 acres of yellow-headed blackbird agricultural foraging habitat to grassland foraging habitat in CZs 1, 2, 4, 5, 7, 8, and 11. If agricultural lands supporting higher value foraging habitat than the restored grassland were removed, there would be a loss of white-tailed kite foraging habitat value. CM8 would result in the restoration of 2,000 acres of grassland foraging habitat in the study area.

- *CM10 Nontidal Marsh Restoration:* Restoration and creation of nontidal freshwater marsh would result in the permanent conversion of 988 acres of cultivated lands foraging habitat to nontidal marsh in CZ 2 and CZ 4. Yellow-headed blackbird nesting habitat may develop along the margins of restored nontidal marsh and restoration would also provide foraging habitat for the species.

- *CM11 Natural Communities Enhancement and Management:* Habitat management- and enhancement-related activities could disturb yellow-headed blackbird nests if they were present near work sites. A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP-protected habitats may result in localized ground disturbances that could temporarily remove small amounts of yellow-headed blackbird habitat and reduce the functions of habitat until restoration is complete. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance, would be expected to have minor effects on available yellow-headed blackbird habitat. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below (AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material and Dredged Material* is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS). CM11 would also include the construction of recreational-related facilities, including trails, interpretive signs, and picnic tables (~~BDCP~~ see Chapter 4, *Covered Activities and Associated Federal Actions*, of the Draft BDCP). The construction of trailhead facilities, signs, staging areas, picnic areas, bathrooms, etc. would be placed on existing, disturbed areas when and where possible. However, approximately 50 acres of grassland foraging habitat would be lost from the construction of trails and facilities.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of high-yellow-headed blackbird foraging habitat for the development of a delta and longfin smelt conservation hatchery in CZ 1. The loss is expected to occur during the first 10 years of Plan implementation.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect yellow-headed blackbird use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction-related activities would not be expected to result in direct mortality of adult or fledged yellow-headed blackbird if they were present in the study area, because they would be expected to avoid contact with construction and other equipment. If yellow-headed blackbird were to nest in the construction area, construction-related activities, including equipment operation, noise and visual disturbances could destroy nests or lead to their abandonment, resulting in mortality of eggs and nestlings. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address these adverse effects on yellow-headed blackbird.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would remove 5,~~917~~ 937 acres (5,~~829~~ 841 acres of permanent loss, ~~88~~ 96 acres of temporary loss) of yellow-headed blackbird nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~58~~ 78 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—5,859 acres). In addition, ~~8,624~~7,969 acres of yellow-headed blackbird foraging habitat would be removed or converted in the near-term (CM1, ~~2,636~~1,981 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM10 Nontidal Marsh Restoration*, and *CM18 Conservation Hatcheries*—5,988 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of nesting habitat, and 1:1 protection of foraging habitat. Using these ratios would indicate that ~~58~~ 78 acres of nesting habitat should be restored/created and ~~58~~ 78 acres should be protected to compensate for the CM1 losses of 78 acres of yellow-headed blackbird nesting habitat. In addition, ~~2,636~~1,981 acres of foraging habitat should be protected to compensate for the CM1 losses of yellow-headed blackbird foraging habitat. The near-term effects of other conservation actions would require 5,859 acres each of restoration and protection of breeding habitat and 5,988 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 ~~for~~ restoration and 1:1 ~~for~~ protection of nesting habitat; ~~and~~ 1:1 protection of foraging habitat).

The BDCP has committed to near-term goals of restoring 8,850 acres of tidal freshwater emergent wetland, protecting 4,800 acres of managed wetland, protecting 25 acres and restoring 900 acres of nontidal marsh, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,600 acres of cultivated lands in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM8, and CM10 and would occur in the same timeframe as the construction and early restoration losses.

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The 4,800 acres of managed wetland would be protected and enhanced in CZ 11 and would benefit yellow-headed blackbird through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 900 acres of nontidal marsh would be created, some of which would provide nesting habitat for the species.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide grassland foraging habitat for yellow-headed blackbird. Insect prey availability and abundance would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Within the cultivated lands, important wildlife habitat such as grasslands, ponds, and wetlands would also be protected and maintained as part of the cultivated lands reserve system which would provide additional habitat for yellow-headed blackbird (Objective CLNC1.3).

At least 15,600 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1), much of which would provide foraging habitat for yellow-headed blackbird. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on yellow-headed blackbird habitat, as well as mitigate the near-term effects of the other conservation measures.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

Late Long-Term Timeframe

The study area supports approximately 82,005 acres of modeled nesting habitat and 333,956 acres of modeled foraging habitat for yellow-headed blackbird. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 14,~~006~~ 026 acres of potential nesting habitat (17% of the potential nesting habitat in the study area) and the loss or conversion of ~~30,214~~29,559 acres of foraging habitat (9% of the foraging habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration,* and *CM10 Nontidal Marsh Restoration* to protect and enhance at least 8,100 acres of managed wetland, restore or create at least 24,000 acres of tidal freshwater emergent wetland, create or restore at least 1,200 acres of nontidal marsh, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The managed wetland would be protected and enhanced in CZ 11 and would benefit yellow-headed blackbird through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 1,200 acres of nontidal marsh would be created, some of which would provide nesting habitat for the species.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide grassland foraging habitat for yellow-headed blackbird. Insect prey availability and abundance would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Within the cultivated lands, important wildlife habitat such as grasslands, ponds, and wetlands would also be protected and maintained as part of the cultivated lands reserve system which would provide additional habitat for yellow-headed blackbird (Objective CLNC1.3). Of the 48,625 acres of cultivated lands that would be protected and enhanced by the late long-term time period (Objective CLNC1.1), 26,300 acres would be managed in moderate to high-value crop types for tricolored blackbird (see Table 3.3-6 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). These crop types include pasture, sunflower, alfalfa, and other crop types that would provide high-value foraging habitat for yellow-headed blackbird.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

The yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this effect.

NEPA Effects: The loss of yellow-headed blackbird habitat and potential direct mortality of this special-status species associated with Alternative 4 would represent an adverse effect in the absence of other conservation actions. However, with habitat protection and restoration associated with CM3, CM4, CM8, CM10, and CM11, guided by biological goals and objectives and by AMM1–AMM7, which would be in place during all project activities~~throughout the construction period~~, the effects of habitat loss would not be adverse under Alternative 4. The yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address this adverse effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would be less than significant under CEQA. Alternative 4 would remove 5,~~917~~ 937 acres (5,~~829~~ 841 acres of permanent loss, ~~88~~ 96 acres of temporary loss) of yellow-headed blackbird nesting habitat in the study area in the near-term. These effects would result from the construction of the water conveyance facilities (CM1, ~~58~~ 78 acres), and implementing other conservation measures (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*—5,859 acres). In addition, ~~8,624~~7,967 acres of yellow-headed blackbird foraging habitat would be removed or converted in the near-term (CM1, ~~2,636~~1,981 acres; *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration, CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM10 Nontidal Marsh Restoration*, and *CM18 Conservation Hatcheries*—5,988 acres).

Typical NEPA and CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 1:1 for restoration/creation and 1:1 protection of nesting habitat, and 1:1 protection of foraging habitat. Using these ratios would indicate that ~~58~~ 78 acres of nesting habitat should be restored/created and ~~58~~ 78 acres should be protected to compensate for the CM1 losses of yellow-headed blackbird nesting habitat. In addition, ~~2,636~~1,981 acres of foraging habitat should be protected to compensate for the CM1 losses of yellow-headed blackbird foraging habitat. The near-term effects of other conservation actions would require 5,859 acres each of restoration and protection of breeding habitat and 5,988 acres of protection of foraging habitat using the same typical NEPA and CEQA ratios (1:1 ~~for~~ restoration and 1:1 for protection of nesting habitat;~~ and~~ 1:1 protection of foraging habitat).

The BDCP has committed to near-term goals of restoring 8,850 acres of tidal freshwater emergent wetland, protecting 4,800 acres of managed wetland, protecting 25 acres and restoring 900 acres of nontidal marsh, protecting 2,000 acres and restoring 1,140 acres of grassland natural community, protecting 400 acres of vernal pool complex, protecting 120 acres of alkali seasonal wetland complex, and protecting 15,600 acres of cultivated lands in the Plan Area (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). These conservation actions are associated with CM3, CM4, CM8, and CM10 and would occur in the same timeframe as the construction and early restoration losses.

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The 4,800 acres of managed wetland would be protected and enhanced in CZ 11 and would benefit yellow-headed blackbird through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 900 acres of nontidal marsh would be created, some of which would provide nesting habitat for the species.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide grassland foraging habitat for yellow-headed blackbird. Insect prey availability and abundance would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Within the cultivated lands, important wildlife habitat such as grasslands, ponds, and wetlands would also be protected and maintained as part of the cultivated lands reserve system which would provide additional habitat for yellow-headed blackbird (Objective CLNC1.3).

At least 15,400 acres of cultivated lands that provide habitat for covered and other native wildlife species would be protected in the near-term time period (Objective CLNC1.1), much of which would provide foraging habitat for yellow-headed blackbird.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

In the absence of other conservation actions, the effects on yellow-headed blackbird habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives satisfy the typical mitigation that would be applied to the project-level effects of CM1 on yellow-headed blackbird habitat, as well as mitigate the near-term effects of the other conservation measures. With the acres of habitat protection and restoration described above, in addition to AMM1-7, and implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, Alternative 4 would not result in a substantial adverse effect through habitat modification and would not substantially reduce the number or restrict the range of the species. Therefore, Alternative 4 would have a less-than-significant impact on yellow-headed blackbird.

~~The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan*. All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

~~The yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. The implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce potential impacts on nesting yellow-headed blackbird to a less-than-significant level.~~

Late Long-Term Timeframe

The study area supports approximately 82,005 acres of modeled nesting habitat and 333,956 acres of modeled foraging habitat for yellow-headed blackbird. Alternative 4 as a whole would result in the permanent loss of and temporary effects on 14,~~006~~ 026 acres of potential nesting habitat (17% of the potential nesting habitat in the study area) and the loss or conversion of ~~30,214~~29,559 acres of foraging habitat (9% of the foraging habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration, CM4 Tidal Natural Communities Restoration*, *CM8 Grassland Natural Community Restoration,* and *CM10 Nontidal Marsh Restoration* to protect and enhance at least 8,100 acres of managed wetland, restore or create at least 24,000 acres of tidal freshwater emergent wetland, create or restore at least 1,200 acres of nontidal marsh, protect 8,000 acres and restore 2,000 acres of grassland natural community, protect 600 acres of vernal pool complex, protect 150 acres of alkali seasonal wetland complex, and protect 48,625 acres of cultivated lands that provide suitable habitat for native wildlife species (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

The tidal freshwater emergent wetland would be restored in CZs 1, 2, 4, 5, 6, and/or 7 (Objective TFEWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP) and would be restored in a way that creates topographic heterogeneity and in areas that increase connectivity among protected lands (Objective TFEWNC2.2). The managed wetland would be protected and enhanced in CZ 11 and would benefit yellow-headed blackbird through the enhancement of degraded areas (such as areas of bare ground or marsh where the predominant vegetation consists of invasive species such as perennial pepperweed) to vegetation such as pickelweed-alkali heath-American bulrush plant associations (Objective MWNC1.1). In addition, at least 1,200 acres of nontidal marsh would be created, some of which would provide nesting habitat for the species.

Grassland restoration and protection would occur in CZs 1, 2, 4, 5, 7, 8, and 11 (Objectives GNC1.1 and GNC1.2) Grassland protection in CZ 1, 8, and 11 would be associated with vernal pool and alkali seasonal wetland complexes (Objectives ASWNC1.1 and VPNC1.1) and would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would provide grassland foraging habitat for yellow-headed blackbird. Insect prey availability and abundance would also be increased on protected lands, enhancing the foraging value of these natural communities (Objectives ASWNC2.4, VPNC2.5, and GNC2.4). Foraging opportunities would also be improved by enhancing prey populations through the establishment of 20- to 30-foot-wide hedgerows along field borders and roadsides within protected cultivated lands (Objective SWHA2.2). Within the cultivated lands, important wildlife habitat such as grasslands, ponds, and wetlands would also be protected and maintained as part of the cultivated lands reserve system which would provide additional habitat for yellow-headed blackbird (Objective CLNC1.3). Of the 48,625 acres of cultivated lands that would be protected and enhanced by the late long-term time period (Objective CLNC1.1), 26,300 acres would be managed in moderate to high-value crop types for tricolored blackbird (see Table 3.3-6 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP). These crop types include pasture, sunflower, alfalfa, and other crop types that would provide high-value foraging habitat for yellow-headed blackbird.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM6 is described in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

~~The yellow-headed blackbird is not a covered species under the BDCP. For the BDCP to avoid an adverse effect on individuals, preconstruction surveys for noncovered avian species would be required to ensure that nests are detected and avoided. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce this impact to a less-than-significant level.~~

In the absence of other conservation actions, the effects on yellow-headed blackbird habitat would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. This impact would be significant. Considering Alternative 4's protection and restoration provisions, which would provide acreages of new or enhanced habitat in amounts necessary to compensate for habitat lost to construction and restoration activities, and with the implementation of AMM1–AMM7 and Mitigation Measure BIO-75, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of yellow-headed blackbird. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on yellow-headed blackbird.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-149: Effects on Yellow-Headed Blackbird Associated with Electrical Transmission Facilities

New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of yellow-headed blackbirds. Yellow-headed blackbirds are colonial and have the potential to collide with the proposed transmission lines when migrating in large flocks. However, similar to tricolored blackbird behavior, daily flights associated with foraging likely occur in smaller flocks at heights that are lower than the transmission lines (BDCP Attachment 5.J-2, *Memorandum: Analysis of Potential Bird Collisions at Proposed BDCP Transmission Lines*). Marking transmission lines with flight diverters that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality (Brown and Drewien 1995). For example, Yee (2008) estimated that marking devices in the Central Valley could reduce avian mortality by 60%. As described in *AMM20 Greater Sandhill Crane*, all new project transmission lines would be fitted with flight diverters which reduce the potential for yellow-headed blackbird collision with transmission lines.~~Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on yellow-headed blackbirds. The existing network of transmission lines in the study area currently poses this risk for yellow-headed blackbirds, and any incremental risk associated with the new transmission line corridors would be expected to be low. *AMM20 Greater Sandhill Crane* would further minimize the risk for bird-power line strikes with the installation of flight diverters on new and selected existing transmission lines.~~ Transmission line poles and towers also provide perching substrate for raptors, which are predators on yellow-headed blackbird. Although there is potential for transmission lines to result in increased perching opportunities for raptors and result in increased predation pressure on yellow-headed blackbirds, the existing network of transmission lines in the study area currently poses this risk for yellow-headed blackbirds, and any incremental risk associated with the new transmission line corridors would not be expected to affect the study area population. Therefore, it is assumed that the increase in predation risk on yellow-headed blackbird from an increase in raptor perching opportunities is minimal.

NEPA Effects: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of yellow-headed blackbird. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would reduce the potential impact of the construction of new transmission lines on yellow-headed blackbird. The increase in predation risk on yellow-headed blackbird from an increase in raptor perching opportunities is considered minimal. Therefore, the construction and operation of new transmission lines under Alternative 4 would not result in an adverse effect on yellow-headed blackbird.~~Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on yellow-headed blackbirds. The existing network of transmission lines in the study area currently poses this risk for yellow-headed blackbirds, and any incremental risk associated with the new transmission line corridors would not be expected to have an adverse effect on yellow-headed blackbirds. Implementation of *AMM20 Greater Sandhill Crane* would further minimize the risk for bird-power line strikes.~~

CEQA Conclusion: New transmission lines would increase the risk for bird-power line strikes, which could result in injury or mortality of yellow-headed blackbird. *AMM20 Greater Sandhill Crane* contains the commitment to place bird strike diverters on all new powerlines, which would reduce the potential impact of the construction of new transmission lines on yellow-headed blackbird. The increase in predation risk on yellow-headed blackbird from an increase in raptor perching opportunities is considered minimal. The construction and operation of new transmission lines under Alternative 4 would not substantially reduce the number or restrict the range of the species and would therefore result in a less-than-significant impact on yellow-headed blackbird.~~Transmission line poles and towers also provide perching substrate for raptors, which could result in increased predation pressure on yellow-headed blackbirds. The existing network of transmission lines in the study area currently poses this risk for yellow-headed blackbirds, and any incremental risk associated with the new transmission line corridors would have a less-than-~~

~~significant impact on yellow-headed blackbird. Implementation of *AMM20 Greater Sandhill Crane* would further minimize the risk for bird-power line strikes.~~

Impact BIO-150: Indirect Effects of Plan Implementation on Yellow-Headed Blackbird

Indirect construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect yellow-headed blackbird use of suitable habitat. Construction noise above background noise levels (greater than 50 dBA) could extend 500 to 5,250 feet from the edge of construction activities (~~Draft BDCP~~ Appendix 5.J, Attachment 5J.D, *Indirect Effects of the Construction of the BDCP Conveyance Facility on Sandhill Crane*, Table 4 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SEIS), although there are no available data to determine the extent to which these noise levels could affect yellow-headed blackbird. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could affect the species in the surrounding habitat. ~~AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring.~~ The inadvertent discharge of sediment or excessive dust adjacent to yellow-headed blackbird habitat could also have a negative effect on the species. Where nests are located above open water, impacts of contamination, dust, and sediment in water could impact fledglings directly, or affect aquatic insect prey, which is important for feeding young. AMM1–AMM7 would minimize the likelihood of spills from occurring and ensure that measures are in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in avian species, including yellow-headed blackbird. Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury. Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008). Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix ~~X~~D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS. ~~which~~The review includes an overview of the BDCP-related mechanisms that could result in increased mercury in the food web, and how exposure to individual species may occur based on feeding habits and where their habitat overlaps with the areas where mercury bioavailability could increase. Increased methylmercury associated with natural community and floodplain restoration could indirectly affect yellow-headed blackbird, via uptake in lower tropic levels (as described in ~~the BDCP,~~ Appendix 5.D, *Contaminants*, of the Draft BDCP).

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS)~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas ~~will~~would be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~In addition, the potential mobilization or creation of methylmercury within the study area varies with site-specific conditions and would need to be assessed at the project level. *CM12 Methylmercury Management* contains provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on yellow-headed blackbird.~~

NEPA Effects: Noise and visual disturbances from the construction of water conveyance facilities could reduce yellow-headed blackbird use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect yellow-headed blackbird use of the surrounding habitat. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting individuals in addition to AMM1–AMM7.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of yellow-headed blackbird to methylmercury in restored tidal areas. However, it is unknown what concentrations of methylmercury are harmful to these species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on yellow-headed blackbird.~~Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12, would address the uncertainty of methylmercury levels in restored tidal marsh in the study area and better inform potential impacts on yellow-headed blackbird. The site-specific planning phase of marsh restoration would be the appropriate place to assess the potential for risk of methylmercury exposure for yellow-headed blackbird, once site specific sampling and other information could be developed.~~

CEQA Conclusion: ~~N~~In the absence of other conservation actions, noise and visual disturbance, the potential for hazardous spills, increased dust and sedimentation, and operations and maintenance of the water conveyance facilities under Alternative 4 would represent an adverse effect. This impact would be significant. ~~have a less-than-significant impact on yellow-headed blackbird with the implementation~~The implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting*

Bird Surveys and Avoid Disturbance of Nesting Birds, and AMM1–AMM7, would reduce this impact to a less-than-significant level.

The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of yellow-headed blackbird to methylmercury in restored tidal areas. However, it is unknown what concentrations of methylmercury are harmful to these species and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on yellow-headed blackbird.

Indirect effects of plan implementation would represent an adverse effect on yellow-headed blackbird in the absence of other conservation measures. This would be a significant impact. With AMM1-7, and CM12 in place, and with the implementation of Mitigation Measure BIO-75, indirect effects of plan implementation would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, indirect effects of plan implementation would have a less-than-significant impact on yellow-headed blackbird. ~~The implementation of tidal natural communities restoration or floodplain restoration could result in increased exposure of yellow-headed blackbird to methylmercury. However, it is unknown what concentrations of methylmercury are harmful to this species. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12, would better inform potential impacts and address the uncertainty of methylmercury levels in restored tidal marsh in the study area.~~

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-151: Periodic Effects of Inundation of Yellow-Headed Blackbird Nesting Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass (CM2) would inundate 961–2,678 acres of nesting habitat and 368–2,678 acres of foraging habitat (Table 12-4-54). Based on hypothetical floodplain restoration, construction of setback levees for *CM5 Seasonally Inundated Floodplain Restoration* could result in periodic inundation of approximately 18 acres of nesting habitat and 2,701 acres of nonbreeding habitat (Table 12-4-54) resulting in the temporary loss of these habitats. Foraging yellow-headed blackbirds would be expected to move to adjacent suitable foraging habitat when the bypass is inundated, as they do under the current flooding regime. However, this inundation could reduce the availability of nesting habitat during years when flooding extends into the nesting season (past March). The periodic inundation of the Yolo Bypass (CM2) and of other floodplains (CM5) is expected to restore a more natural flood regime in support of wetland and riparian vegetation types that support nesting habitat.

NEPA Effects: Implementation of CM2 and CM5 would result in periodic inundation of nesting and foraging habitat for yellow-headed blackbird. Periodic inundation would have a less-than-significant impact on yellow-headed blackbird because inundation is expected to take place outside of the breeding season, and although foraging habitat may be temporarily unavailable, birds would be expected to move to adjacent foraging habitat.

***CEQA Conclusion*:** Implementation of CM2 and CM5 would result in periodic inundation of nesting and foraging habitat for yellow-headed blackbird. Periodic inundation would have a less-than-significant impact on yellow-headed blackbird because inundation is expected to take place outside of the breeding season, and although foraging habitat would be temporarily unavailable, birds would be expected to move to adjacent foraging habitat.

Riparian Brush Rabbit

The habitat model used to assess effects on the riparian brush rabbit consists of 38 vegetation associations within the valley/foothill riparian natural community and adjacent grasslands. The vegetation associations were selected based on a review of understory and overstory composition from Hickson and Keeler-Wolf (2007) and species habitat requirements.

Just until recently, the only known naturally occurring populations of riparian brush rabbits were confined to Caswell Memorial State Park (MSP), a 258-acre park supporting riparian oak woodland on the Stanislaus River immediately southeast of the study area, and in the south Delta southwest of Lathrop, which is within the study area (Williams and Basey 1986; Williams et al. 2002) (Figure 12-46). On October 11, 2012 a single female riparian brush rabbit was captured near Durham Ferry Road in riparian habitat along the San Joaquin River between Caswell MSP and Lathrop (Bradbury pers. comm.). The is only the 2nd naturally occurring population documented outside of Caswell MSP. Factors considered in assessing the value of adversely affected habitat for riparian brush rabbit, to the extent information was available, included size and degree of isolation of habitat patches, proximity to recorded species occurrences, and adjacency to conserved lands.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of riparian brush rabbit modeled habitat as indicated in Table 12-4-55. Full implementation of Alternative 4 would also include biological objectives over the term of the BDCP to benefit the riparian brush rabbit (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP). The conservation strategy for the riparian brush rabbit involves protecting, restoring or creating, and maintaining habitat and corridors near the largest remaining fragments of habitat and extant populations; providing high-water refugia from flooding; and managing feral predators (dogs and cats) in areas occupied by the species. The conservation measures that would be implemented to achieve the biological goals and objectives are summarized below.

- Provide a range of elevations in restored floodplains that transition from frequently flooded (e.g., every 1 to 2 years) to infrequently flooded (e.g., every 10 years or more) areas to provide a range of habitat conditions, upland habitat values, and refugia from flooding during most flood events (Objective L1.5, associated with CM3, CM5, and CM8).
- Increase the size and connectivity of the reserve system by acquiring lands adjacent to and between existing conservation lands (Objective L1.6, associated with CM3).
- Allow floods to promote fluvial processes, such that bare mineral soils are available for natural recolonization of vegetation, desirable natural community vegetation is regenerated, and structural diversity is promoted, or implement management actions that mimic those natural disturbances (Objective L2.1, associated with CM3, CM5, and CM11).
- Protect and improve habitat linkages that allow terrestrial covered and other native species to move between protected habitats within and adjacent to the Plan Area (Objective L3.1, associated with CM3–CM8, and CM11).
- Restore or create 5,000 acres of valley/foothill riparian natural community, with at least 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM3 and CM7).
- Protect 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).

- Maintain 1,000 acres of early- to mid-successional vegetation with a well-developed understory of dense shrubs on restored seasonally inundated floodplain (Objective VFRNC2.2, associated with CM5, CM7, and CM11).
- Of the 750 acres of protected valley/foothill riparian natural community protected under Objective VFRNC1.2, protect at least 200 acres of suitable riparian brush rabbit habitat (defined in CM7 Riparian Natural Community Restoration) that is occupied by the species or contiguous with occupied habitat (Objective RBR1.1, associated with 3).
- Of the 1,000 acres of early- to midsuccessional riparian habitat maintained under VFRNC2.2, maintain at least 800 acres within the range of the riparian brush rabbit (CZ 7), in areas that are adjacent to or that facilitate connectivity with occupied or potentially occupied habitat (Objective RBR1.2, associated with CM3, CM7, and CM11).
- Of the 5,000 acres of valley/foothill riparian natural community restored under Objective VFRNC1.1, restore/create and maintain at least 300 acres of early- to mid-successional riparian habitat that meets the ecological requirements of the riparian brush rabbit and that is within or adjacent to or that facilitates connectivity with existing occupied or potentially occupied habitat (Objective 1.3, associated with CM3, CM7, and CM11).
- Create and maintain high-water refugia in the 300 acres of restored riparian brush rabbit habitat and the 200 acres of protected riparian brush rabbit habitat, through the retention, construction and/or restoration of high-ground habitat on mounds, berms, or levees, so that refugia are no further apart than 66 feet (Objective RBR1.4, associated with CM7 and CM11).
- In protected riparian areas that are occupied by riparian brush rabbit, monitor for and control nonnative predators that are known to prey on riparian brush rabbit (Objective RBR1.5, associated with CM11).
- Of the 8,000 acres of grasslands protected under Objective GNC1.1 and the 2,000 acres of grasslands restored under Objective GNC1.2, protect or restore grasslands on the landward side of levees adjacent to restored floodplain to provide flood refugia and foraging habitat for riparian brush rabbit (Objective RBR1.6m associated with CM3 and CM8).

As explained below, with the restoration and protection of these amounts of habitat, in addition to the AMMs to reduce potential effects, impacts on riparian brush rabbit would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-55. Changes in Riparian Brush Rabbit Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	Riparian	~~3~~15	~~3~~15	~~1~~4	~~1~~4	NA	NA
	Grassland	~~124~~170	~~124~~170	~~54~~57	~~54~~57	NA	NA
Total Impacts CM1		**~~127~~185**	**~~127~~185**	**~~55~~61**	**~~55~~61**	**NA**	**NA**
CM2–CM18	Riparian	0	62	0	35	0	264
	Grassland	0	44	0	20	0	423
Total Impacts CM2–CM18		**0**	**106**	**0**	**55**	**0**	**687**
TOTAL IMPACTS		**~~127~~185**	**~~233~~291**	**~~55~~61**	**~~110~~116**	**0**	**687**

[a] See Appendix 12E*, Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only.

NT = near-term

LLT = late long-term

NA = not applicable

Impact BIO-152: Loss or Conversion of Habitat for and Direct Mortality of Riparian Brush Rabbit

Alternative 4 conservation measures would result in the permanent and temporary loss of up to ~~101~~ 116 acres of riparian habitat and ~~242~~ 291 acres of associated grassland habitat for the riparian brush rabbit in the study area (Table 12-4-55~~). The hypothetical footprint for levee construction under CM5, overlaps with one occurrence record for riparian brush rabbit, south of the Interstate 5/Interstate 205 interchange.~~ Conservation measures resulting in permanent habitat loss include conveyance facilities construction (CM1), tidal natural communities restoration (CM4), and floodplain restoration (CM5). Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Development of Alternative 4 water conveyance facilities would result in the permanent removal of approximately ~~3~~ 15 acres of riparian habitat and ~~124~~ 171 acres of associated grassland habitat and in the temporary removal of ~~1~~ 3 ~~acre~~Sacres of riparian habitat and ~~54~~ 57 acres of grassland habitat for riparian brush rabbit in CZ 8 (Table 12-4-55). The riparian habitat that would be removed is of low value for the riparian brush rabbit as it consists of several small, isolated patches surrounded by agricultural lands northeast of Clifton Court Forebay. The associated grasslands are also of low value for the species: They consist of long, linear strips that abut riparian habitat, but extend several miles from the riparian habitat and, therefore, provide few if any opportunities for adjacent cover. Trapping efforts conducted for the riparian brush rabbit in this area were negative (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove approximately 19 acres of riparian habitat and 18 acres of associated grassland habitat for the riparian brush rabbit in CZ 7 in the late long-term. The riparian habitat that would be removed consists of relatively small and isolated patches along canals and irrigation ditches surrounded by agricultural lands in the Union Island and Roberts Island areas, and several small patches along the San Joaquin River. The habitat that would be removed is not adjacent to any existing conserved lands, and is several miles north and northeast of the northernmost riparian brush rabbit record located northeast of Paradise Cut (Williams et al. 2002). Although the final footprint for tidal natural communities restoration would differ from the hypothetical footprint, compliance monitoring would be implemented to ensure that acreage limits are not exceeded and the measures described in *AMM25 Riparian Woodrat and Riparian Brush Rabbit* require that tidal natural communities restoration avoid removal of any habitat occupied by the riparian brush rabbit.

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration would result in the permanent removal of approximately 43 acres of riparian habitat and 26 acres of associated grassland habitat for the riparian brush rabbit in CZ 7 in the late longterm. Levee construction would also result in the temporary removal of 35 acre riparian habitat and 20 acres of grassland habitat for the riparian brush rabbit. Although the effects are considered temporary, five years to several decades may be required for ecological succession to occur and for restored riparian habitat to replace the function of habitat that has been affected. The value of this habitat for riparian brush rabbit is high: although it consists of small patches and narrow bands of riparian vegetation, these areas are in proximity to, or contiguous with, habitat with recorded occurrences of riparian brush rabbit. The hypothetical footprint for levee construction overlaps with one occurrence record for riparian brush rabbit, south of the Interstate 5/Interstate 205 interchange.

  Although the final floodplain restoration design would differ from the hypothetical footprint used for this effects analysis, restoration of the river floodplain in CZ 7 would be targeted in the general area of the riparian brush rabbit population. Implementation of adaptive management described in AMM25 would ensure that riparian brush rabbit habitat permanently removed as a result of floodplain restoration does not exceed the maximum allowable habitat loss for this species.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP protected habitats may result in localized ground disturbances that could temporarily remove small amounts of riparian brush rabbit habitat. Enhancement and management actions in riparian brush rabbit habitat within the reserve system may include invasive plant removal, planting and maintaining vegetation to improve and sustain habitat characteristics for the species, and creating and maintaining flood refugia. These activities are expected to have minor adverse effects on available riparian brush rabbit habitat and are expected to result in overall improvements to and maintenance of riparian brush rabbit habitat values over the term of the

BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized through the AMMs listed below.

Passive recreation in the reserve system could result in disturbance of individual riparian brush rabbits foraging in the ecotone between riparian and adjacent open habitats. However, *AMM37 Recreation* limits trail development adjacent to riparian corridors within the range of the riparian brush rabbit. With this minimization measure in place, recreation related effects on the riparian brush rabbit are expected to be minimal.

- Operations and maintenance: Ongoing maintenance of BDCP facilities are not expected to adversely affect the riparian brush rabbit because the species is not expected to occur in the vicinity of proposed facilities.

- Injury and direct mortality: Water conveyance facility construction is not is not likely to result in injury or mortality of individual riparian brush rabbit because the species is not likely to be present in the areas that would be affected by this activity, based on live trapping results (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). Tidal natural communities restoration would not result in injury or mortality of the riparian brush rabbit because tidal natural communities restoration projects would be designed to avoid occupied riparian brush rabbit habitat and, if that is not possible, rabbits would be trapped and relocated as described in AMM25 (see Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP ~~BDCP Appendix 3.C~~). Activities associated with construction of setback levees for floodplain restoration could result in injury or mortality of riparian brush rabbits: however, preconstruction surveys, construction monitoring, and other measures would be implemented to avoid and minimize injury or mortality of this species during construction (AMM25).

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. Alternative 4 would result in permanent and temporary effects combined on ~~4~~ 19 acres of riparian habitat and ~~178~~ 227 acres of grassland habitat for riparian brush rabbit in the near-term as a result of construction of the water conveyance facilities (CM1). The habitat would be lost in the valley/foothill riparian and grassland natural communities. Most of the near-term loss of riparian brush rabbit habitat would be in an area unlikely to be occupied by the species in CZ 8. Habitat loss in CZ 7, in areas known or likely to be occupied, would occur during the early long-term and late long-term timeframes. Riparian restoration would be phased to minimize temporal habitat loss. There would be no near-term losses resulting from CM2–CM18.

Typical NEPA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for riparian brush rabbit in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and protection of the valley/foothill riparian natural community, and 2:1 for protection of grassland. Using these ratios would indicate that ~~4~~ 19 acres of riparian habitat should be restored, ~~4~~ 19 acres of riparian habitat should protected, and ~~356~~ 454 acres of grassland should be protected for riparian brush rabbit to mitigate near-term losses.

The BDCP has committed to near-term restoration of 800 acres of riparian(Objective VFRNC1.1 and an unknown number of associated acres of grassland and protection of 750 acres of riparian (Objective VFRNC1.2)with an unknown number of associated acres of grassland (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). In addition, the species-specific biological goals and objectives (RBR1.1–RBR1.6) would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for NEPA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be not be adverse under NEPA, because the number of acres required to meet the typical ratios described above would be only ~~4~~ 19 acres of riparian habitat restored, ~~4~~ 19 acres protected, and ~~356~~ 454 acres of grassland protected.

The plan also contains commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM25 Riparian Woodrat and Riparian Brush Rabbit*, and *AMM37 Recreation*. These AMMs contain elements that avoid or minimize the risk of BDCP activities affecting habitats and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

There are 6,012 acres of modeled riparian brush rabbit habitat in the Plan Area, consisting of 2,909 acres of riparian habitat and 3,103 acres of associated grassland habitat. Alternative 4 would result in permanent and temporary effects combined on ~~101~~ 116 acres of modeled riparian habitat and ~~243~~ 291 acres of modeled grassland habitat for riparian brush rabbit, representing 4% and ~~9~~8% of the riparian and grassland modeled habitat in CZ 6, CZ 7, and CZ 8. Habitat lost in CZ 6 and CZ 8 is fragmented, isolated, and unlikely to support the species. Habitat would also be lost in areas in CZ 7 that provide high-value habitat for the species.

The BDCP would restore 5,000 acres and protect 750 acres of valley/foothill riparian natural community, a portion of which is expected to consist of suitable riparian brush rabbit habitat (Objectives VFRNC1.1 and VFRNC1.2). Objective RBR1.2 requires that at least 800 acres of early- to midsuccessional riparian natural community be conserved in CZ 7, in areas that are adjacent to or that facilitate connectivity with existing occupied or potentially occupied habitat. This would consist of 200 acres of protected habitat (Objective RBR1.1) and 600 acres of restored habitat. The 800 acres to be conserved would consist of early successional riparian vegetation suitable for riparian brush rabbit. The conserved habitat would also be part of a larger, more contiguous, and less patchy area of protected and restored riparian natural community than what currently exists in CZ 7 and would be contiguous with existing modeled riparian brush rabbit habitat. The species-specific objectives further require that the 200 acres of protected riparian habitat (Objective RBR1.4) and at least 300 acres of the restored riparian habitat (Objective RBR1.3) meet more specific ecological requirements of riparian brush rabbit, including large patches of dense riparian brush; ecotonal edges that transition from brush species to grasses and forbs, scaffolding plants to support vines that grow above flood levels; a tree canopy that is open, if present; and high-ground refugia from flooding. In protected riparian areas that are occupied by riparian brush rabbit, nonnative predators that are known to prey on riparian brush rabbit would be monitored and controlled (RBR1.5).

In addition to restoration and protection of riparian habitat for the riparian brush rabbit, the Plan would protect, and, if necessary, create or restore grasslands adjacent to suitable riparian vegetation in areas outside the floodplain levees (Objective RBR1.6). These grasslands are expected to provide additional foraging opportunities for the riparian brush rabbit and upland refugia during flood events. The actual acreage of grassland to be restored or protected for riparian brush rabbit would depend on site-specific needs adjacent to restored and protected riparian habitat (CM3). Grasslands on the landward side of levees adjacent to restored floodplain will be restored or protected as needed to provide flood refugia and foraging habitat for riparian brush rabbit (Objective RBR1.6).

In addition to grasslands protected and restored outside the levees for riparian brush rabbit as needed, the floodplains will transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more) (Objective L1.5): these infrequently flooded areas will provide refuge for the riparian brush rabbit during most years. The Plan would also create and maintain mounds, levee sections, or other high areas in restored and protected riparian areas (Objective RBR1.4) that are designed specifically to provide flood refugia for the riparian brush rabbit (~~BDCP~~ see Appendix 3.F, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). Additionally, nonnative predators that are known to prey on riparian brush rabbit (e.g., feral dogs and cats) would be monitored in protected and restored riparian areas that are occupied by riparian brush rabbit (Objective RBR1.5), and controlled as needed (CM11).

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of valley/foothill riparian and grassland that could overlap with the species model, would result in the restoration of 800 acres of riparian and 79 acres of grassland modeled habitat for riparian brush rabbit. In addition, protection of valley/foothill riparian and grassland could overlap with the species model and would result in the protection of 200 acres of riparian and 317 acres of grassland riparian brush rabbit modeled habitat.

NEPA Effects: In the near-term, the loss of riparian brush rabbit habitat and potential mortality under Alternative 4 would not be an adverse effect because there is little likelihood of riparian brush rabbits being present and because the BDCP has committed to protecting and restoring the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of riparian brush rabbit riparian and grassland habitat associated with Alternative 4, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, AMM10, AMM25, and AMM37, the effects of Alternative 4 as a whole on riparian brush rabbit would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be significant under CEQA.

Alternative 4 would result in permanent and temporary effects combined on ~~4~~ 19 acres of riparian habitat and ~~178~~ 227 acres of grassland habitat for riparian brush rabbit in the near-term as a result of construction of the water conveyance facilities (CM1). The habitat would be lost in the valley/foothill riparian and grassland natural communities. Most of the near-term loss of riparian brush rabbit habitat would be in an area unlikely to be occupied by the species in CZ 8. Habitat loss in CZ 7, in areas known or likely to be occupied, would occur during the early long-term and late long-term timeframes. Riparian restoration would be phased to minimize temporal habitat loss. There would be no near-term losses resulting from CM2–CM18.

Typical CEQA project-level mitigation ratios for those natural communities that would be affected and that are identified in the biological goals and objectives for riparian brush rabbit in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 1:1 for restoration and protection of the valley/foothill riparian natural community, and 2:1 for protection of grassland. Using these ratios would indicate that ~~4~~ 19 acres of riparian habitat should be restored, ~~4~~ 19 acres of riparian habitat should protected, and ~~356~~ 454 acres of grassland should be protected for riparian brush rabbit to mitigate CM1 losses.

The BDCP has committed to near-term restoration of 800 acres of riparian(Objective VFRNC1.1 and an unknown number of associated acres of grassland and protection of 750 acres of riparian (Objective VFRNC1.2)with an unknown number of associated acres of grassland (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). In addition, the species-specific biological goals and objectives (RBR1.1-RBR1.6)would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA, because the number of acres required to meet the typical ratios described above would be only ~~4~~ 19 acres of riparian habitat restored, ~~4~~ 19 acres protected, and ~~356~~ 454 acres of grassland protected.

The plan also contains commitments to implement AMM1–AMM7, AMM10, AMM25, and AMM37. These AMMs contain elements that avoid or minimize the risk of BDCP activities affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

There are 6,012 acres of modeled riparian brush rabbit habitat in the Plan Area, consisting of 2,909 acres of riparian habitat and 3,103 acres of associated grassland habitat. Alternative 4 would result in permanent and temporary effects combined on ~~101~~ 116 acres of modeled riparian habitat and ~~243~~ 291 acres of modeled grassland habitat for riparian brush rabbit, representing 4% and ~~8~~9% of the riparian and grassland modeled habitat.

The BDCP would restore 5,000 acres and protect 750 acres of valley/foothill riparian natural community, a portion of which is expected to consist of suitable riparian brush rabbit habitat (Objectives VFRNC1.1 and VFRNC1.2). Objective RBR1.2 requires that at least 800 acres of early- to midsuccessional riparian natural community be conserved in CZ 7, in areas that are adjacent to or that facilitate connectivity with existing occupied or potentially occupied habitat. This would consist of 200 acres of protected habitat (Objective RBR1.1) and 600 acres of restored habitat. The 800 acres to be conserved would consist of early successional riparian vegetation suitable for riparian brush rabbit. The conserved habitat would also be part of a larger, more contiguous, and less patchy area of protected and restored riparian natural community than what currently exists in CZ 7 and would be contiguous with existing modeled riparian brush rabbit habitat. The species-specific objectives further require that the 200 acres of protected riparian habitat (Objective RBR1.4) and at least 300 acres of the restored riparian habitat (Objective RBR1.3) meet more specific ecological requirements of riparian brush rabbit, including large patches of dense riparian brush; ecotonal edges that transition from brush species to grasses and forbs, scaffolding plants to support vines that grow above flood levels; a tree canopy that is open, if present; and high-ground refugia from flooding. In protected riparian areas that are occupied by riparian brush rabbit, nonnative predators that are known to prey on riparian brush rabbit would be monitored and controlled (RBR1.5).

In addition to restoration and protection of riparian habitat for the riparian brush rabbit, the Plan would protect, and, if necessary, create or restore grasslands adjacent to suitable riparian vegetation in areas outside the floodplain levees (Objective RBR1.6). These grasslands are expected to provide additional foraging opportunities for the riparian brush rabbit and upland refugia during flood events. The actual acreage of grassland to be restored or protected for riparian brush rabbit would depend on site-specific needs adjacent to restored and protected riparian habitat (CM3). Grasslands on the landward side of levees adjacent to restored floodplain would be restored or protected as needed to provide flood refugia and foraging habitat for riparian brush rabbit (Objective RBR1.6).

In addition to grasslands protected and restored outside the levees for riparian brush rabbit as needed, the floodplains would transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more) (Objective L1.5): these infrequently flooded areas would provide refuge for the riparian brush rabbit during most years. The Plan would also create and maintain mounds, levee sections, or other high areas in restored and protected riparian areas (Objective RBR1.4) that are designed specifically to provide flood refugia for the riparian brush rabbit (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). Additionally, nonnative predators that are known to prey on riparian brush rabbit (e.g., feral dogs and cats) would be monitored in protected and restored riparian areas that are occupied by riparian brush rabbit (Objective RBR1.5), and controlled as needed (CM11).

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of valley/foothill riparian and grassland that could overlap with the species model, would result in the restoration of 800 acres of riparian and 79 acres of grassland modeled habitat for riparian brush rabbit. In addition, protection of valley/foothill riparian and grassland could overlap with the species model and would result in the protection of 200 acres of riparian and 317 acres of grassland riparian brush rabbit modeled habitat.

Only a small proportion of the habitat losses would be considered occupied and of high-value. Alternative 4 conservation measures provide for large acreages of riparian brush rabbit riparian and grassland habitat to be protected and restored, and the BDCP includes AMM1–AMM7, AMM10, AMM25, and AMM37, which are directed at minimizing or avoiding potential effects during construction and operation of the conservation measures. Overall, the BDCP would provide a substantial net benefit to the riparian brush rabbit through the increase in available habitat and habitat in protected status.

Considering the habitat restoration and protection associated with CM3,-CM7, CM8, and CM11, guided by species-specific goals and objectives and by AMM1–AMM7, AMM10, AMM25, and AMM37, the temporary and permanent losses of riparian and grassland habitat and potential direct mortality of riparian brush rabbit as a result of implementing Alternative 4 would not represent a ~~substantial adverse effect~~significant impact through habitat modifications and would not substantially reduce the number or restrict the range of the species. The loss of habitat and potential mortality of riparian brush rabbits would be a less-than-significant impact under CEQA.

Impact BIO-153: Indirect Effects of Plan Implementation on Riparian Brush Rabbit

Noise and visual disturbance adjacent to construction activities could indirectly affect the use of modeled riparian brush rabbit riparian habitat and of associated grassland habitat in the study area. These construction activities would include water conveyance (including transmission line) construction in CZ 8, tidal natural communities restoration construction, and construction of setback levees. Water conveyance construction would potentially affect acres of adjacent riparian habitat and of associated grassland habitat: this construction would occur in CZ 8 where there is suitable habitat for the species but surveys by ESRP did not indicate the species is present in this area; therefore, the potential for adverse noise and visual effects from conveyance facility construction would be minimal. Tidal natural communities restoration construction would also potentially affect adjacent riparian habitat and associated grassland habitat for this species: however, adverse effects on the species are unlikely because tidal natural communities restoration projects would be sited to avoid areas occupied by riparian brush rabbit. The activity most likely to result in noise and visual disturbance to riparian brush rabbit is the construction of setback levees for floodplain restoration, which would take place in CZ 7, where the species is known to occur. The use of mechanical equipment during construction might cause the accidental release of petroleum or other contaminants that would affect the riparian brush rabbit in adjacent habitat, if the species is present.

***NEPA Effects*:** Implementation of the AMMs listed above as part of implementing BDCP Alternative 4 would avoid the potential for substantial adverse effects on riparian brush rabbits, either indirectly or through habitat modifications or result in a substantial reduction in numbers or a restriction in the range of riparian brush rabbits. Therefore, indirect effects of Alternative 4 would not have an adverse effect on riparian brush rabbit.

***CEQA Conclusion*:** Indirect effects from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could affect riparian brush rabbit in riparian and grassland habitats. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could affect riparian brush rabbit. The inadvertent discharge of sediment or excessive dust adjacent to riparian brush rabbit habitat could also have a negative effect on the species. With implementation of AMM1–AMM7, AMM10, AMM25, and AMM37 as part of Alternative 4, the BDCP would avoid and minimize the potential for

~~substantial adverse effects~~significant impacts on riparian brush rabbits, either indirectly or through habitat modifications and would not result in a substantial reduction in numbers or a restriction in the range of riparian brush rabbits. Indirect effects of Alternative 4 would have a less-than-significant impact on riparian brush rabbit.

Impact BIO-154: Periodic Effects of Inundation of Riparian Brush Rabbit Habitat as a Result of Implementation of Conservation Components

CM5 Seasonally inundated floodplain restoration is the only covered activity expected to result in periodic inundation of riparian brush rabbit habitat. This activity would periodically inundate approximately 264 acres of riparian habitat (9% of riparian habitat in the Plan Area) and 423 acres of associated grassland habitat (14% of associated grassland habitat in the Plan Area) for the riparian brush rabbit. The area between existing levees that would be breached and the newly constructed setback levees would be inundated through seasonal flooding. The potentially inundated areas consist of high-value habitat for the species: although they consist of small patches and narrow bands of riparian vegetation, many of these areas are in proximity to, or contiguous with, habitat with recorded occurrences of riparian brush rabbit. The restored floodplain would include a range of elevations from lower lying areas that flood frequently (e.g., every 1 to 2 years) to higher elevation areas that flood infrequently (e.g., every 10 years or more).

Seasonal flooding in restored floodplains can result in injury or mortality of individuals if riparian brush rabbits occupy these areas and cannot escape flood waters. One recorded occurrence of riparian brush rabbit (Williams et al. 2002), just west of Stewart Road in Mossdale, is in the area that would be seasonally flooded based on the hypothetical restoration footprint.

NEPA Effects: Floodplain restoration under CM5 would periodically affect only a small proportion of the modeled riparian brush rabbit habitat in the study area. The adverse effects of periodic inundation on the riparian brush rabbit would be minimized through construction and maintenance of flood refugia to allow riparian brush rabbits to escape inundation. Therefore, implementing Alternative 4, including AMM1–AMM7, AMM10, AMM25, and AMM37, would not be expected to result in substantial adverse effects on riparian brush rabbit, either directly or through habitat modifications and would not result in a substantial reduction in numbers or a restriction in the range of riparian brush rabbits. Therefore, Alternative 4 would not adversely affect the species.

CEQA Conclusion: Floodplain restoration under CM5 would periodically affect only a small proportion of the modeled riparian brush rabbit habitat in the study area. The overall effect of seasonal inundation on existing riparian natural communities may instead be beneficial. Historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants. In the late long-term, seasonal inundation in areas currently occupied by riparian vegetation may contribute to the establishment of high-value habitat for covered riparian species, such as the riparian brush rabbit. Long-term management of riparian areas would ensure that refugia also exist along the edges of seasonally inundated habitat.

The ~~adverse effects~~significant impacts of periodic inundation on the riparian brush rabbit would be minimized through construction and maintenance of flood refugia to allow riparian brush rabbits to escape inundation. Therefore, implementing Alternative 4, including AMM1–AMM7, AMM10, AMM25, and AMM37, would not be expected to result in ~~substantial adverse effects~~significant impacts on riparian brush rabbit, either directly or through habitat modifications and would not result in a substantial reduction in numbers or a restriction in the range of riparian brush rabbits.

Periodic inundation of riparian and grassland habitat for riparian brush rabbit under Alternative 4 would have a less-than-significant impact on the species.

Riparian Woodrat

The habitat model used to assess effects for the riparian woodrat consists of selected plant alliances from the valley/foothill riparian natural community, geographically constrained to the south Delta portion of the BDCP area in CZ 7, south of State Route 4 and Old River Pipeline along the Stanislaus, San Joaquin, Old, and Middle Rivers. Valley/foothill riparian areas along smaller drainages (Paradise Cut, Tom Paine Slough), and some larger streams in the northern portion of CZ 7 were excluded from the riparian woodrat habitat model due to a lack of trees or riparian corridors that were too narrow. Factors considered in assessing the value of affected habitat for the riparian woodrat, to the extent that information is available, include habitat patch size and connectivity.

The riparian woodrat is not known to occur in the study area. The only verified extant population of riparian woodrats rangewide is 2 miles east of the southern end of the study area in Caswell Memorial State Park along the Stanislaus River (Williams 1986:1–112; Williams 1993). Riparian woodrat may occur in small patches of valley oak riparian forest along the San Joaquin River from the southern tip of the study area north to approximately the Interstate 5 overcrossing near Lathrop (Figure 12-47).

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of riparian woodrat modeled habitat as indicated in Table 12-4-56. Tidal habitat restoration, floodplain restoration, and protection and management of natural communities could affect modeled riparian woodrat habitat. However, because the species is not known to occur in the study area it is not expected to be affected by BDCP actions unless the species were to establish in the study area over the term of the BDCP. Full implementation of Alternative 4 would also include biological objectives over the term of the BDCP to benefit the riparian woodrat (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP). The conservation strategy for the riparian woodrat involves providing opportunities for population expansion into the Plan Area from adjacent lands to the south and southeast. The strategy focuses on restoring and maintaining suitable habitat at the southernmost end of CZ 7, providing connectivity with existing populations to the south and southeast, and creating and maintaining flood refugia. This conservation approach is consistent with the recovery plan (U.S. Fish and Wildlife Service 1998) and conservation principles (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). The conservation measures that would be implemented to achieve the biological goals and objectives are summarized below.

- Provide a range of elevations in restored floodplains that transition from frequently flooded (e.g., every 1 to 2 years) to infrequently flooded (e.g., every 10 years or more) areas to provide a range of habitat conditions, upland habitat values, and refugia from flooding during most flood events (Objective L1.5, associated with CM3, CM5, and CM8).
- Increase the size and connectivity of the reserve system by acquiring lands adjacent to and between existing conservation lands (Objective L1.6, associated with CM3).
- Protect and improve habitat linkages that allow terrestrial covered and other native species to move between protected habitats within and adjacent to the Plan Area (Objective L3.1, associated with CM3-CM8, and CM11).

- Restore or create 5,000 acres of valley/foothill riparian natural community, with 3,000 acres occurring on restored seasonally inundated floodplain (Objective VFRNC1.1, associated with CM3 and CM7).
- Protect 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).
- Restore, maintain and enhance structural heterogeneity with adequate vertical and horizontal overlap among vegetation components and over adjacent riverine channels, freshwater emergent wetlands, and grasslands (Objective VFRNC2.1, associated with CM5, CM7, and CM11).
- Of the 5,000 acres of valley/foothill riparian natural community restored under Objective VFRNC1.1, restore/create and maintain 300 acres riparian habitat in CZ 7 that meets the ecological requirements of the riparian woodrat (i.e., dense willow understory and oak overstory) and that is adjacent to or facilitates connectivity with existing occupied or potentially occupied habitat (Objective RW1.1, associated with CM3, CM7, CM11).
- Provide and maintain high-water refugia in the 300 acres of riparian woodrat habitat restored under Objective RW1.1 through the retention, construction, and/or restoration of high-ground habitat on mounds, berms, or levees, so that refugia are no further apart than 67 feet (Objective RW1.2, associated with CM7 and CM11).

As explained below, with the restoration and protection of these amounts of habitat, in addition to implementation of the AMMs to reduce potential effects, impacts on riparian woodrat would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-56. Changes in Riparian Woodrat Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT	NT	LLT	CM2	CM5
CM1	Riparian	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**	**NA**	**NA**
CM2–CM18	Riparian	0	51	0	33	0	203
Total Impacts CM2–CM18		**0**	**51**	**0**	**33**	**0**	**203**
TOTAL IMPACTS		**0**	**51**	**0**	**33**	**0**	**203**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-155: Loss or Conversion of Habitat for and Direct Mortality of Riparian Woodrat

Alternative 4 conservation measures would result in the permanent loss of up to 51 acres of habitat and temporary loss of up to 33 acres of modeled habitat for riparian woodrat (Table 12-4-56). Construction of Alternative 4 water conveyance facilities (CM1) would not affect modeled habitat; however, tidal natural communities restoration (CM4) and seasonally inundated floodplain restoration (CM5) would remove habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove approximately 10 acres of modeled habitat for the riparian woodrat in CZ 7. This habitat is of low value, consisting of a small, isolated patch surrounded by agricultural lands, and the species has a relatively low likelihood of being present in these areas. The measures described in *AMM25 Riparian Woodrat and Riparian Brush Rabbit* require that tidal natural communities restoration avoid removal of any habitat occupied by the riparian woodrat as determined by presence/absence surveys. Because the estimates of habitat loss due to tidal inundation are based on projections of where restoration may occur, actual habitat loss is expected to be lower because sites would be selected to minimize effects on riparian woodrat.

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration would result in the permanent removal of approximately 41 acres of modeled habitat for the riparian woodrat in CZ 7. The value of this habitat for riparian woodrat is moderate. Although the habitat consists of small patches and narrow bands of riparian vegetation and no riparian woodrats have been detected in CZ 7, the riparian patches are in proximity to each other along the San Joaquin River. There are two species occurrences immediately south of CZ 7, one of which is less than 1.5 mile from the southernmost patch of riparian habitat potentially affected by levee construction.

  The final floodplain restoration design would differ from the hypothetical footprint used for this effects analysis. However, monitoring and adaptive management described in *CM11 Natural Communities Enhancement and Management.* And AMM25 would ensure that riparian woodrat habitat permanently removed does not exceed the amount estimated based on the hypothetical footprint. Habitat loss is expected to be lower than 41 acres because sites would be selected and restoration designed to minimize effects on the riparian woodrat. If natural flooding is insufficient to maintain appropriate riparian woodrat vegetation structure, the vegetation would be actively managed to provide suitable habitat structure as described in *CM11 Natural Communities Enhancement and Management.*

  Levee construction would also result in the temporary removal of 33 acres of modeled habitat for the riparian woodrat. Although the effects are considered temporary, 5 years to several decades may be required for ecological succession to occur and for restored riparian habitat to replace the function of habitat that has been affected.

- *CM11 Natural Communities Enhancement and Management*: A variety of habitat management actions included in CM11 that are designed to enhance wildlife values in BDCP protected habitats may result in localized ground disturbances that could temporarily remove small amounts of riparian woodrat habitat. Enhancement and management actions in riparian woodrat habitat within the reserve system may include invasive plant removal, planting and maintaining vegetation to improve and sustain habitat characteristics for the species, and creating and maintaining flood refugia. These activities are expected to have minor adverse effects on available riparian woodrat habitat and are expected to result in overall improvements to and maintenance of riparian woodrat habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized through the AMMs listed below.

- Operations and maintenance: The only ongoing effects on the riparian woodrat are those potentially resulting from habitat enhancement and management activities. Enhancement and management actions in riparian woodrat habitat within the reserve system may include invasive plant removal, planting and maintaining vegetation to improve and sustain habitat characteristics for the species, and creating and maintaining flood refugia. These activities may result in harassment of riparian woodrats through noise and visual disturbance which would be minimized with implementation of AMM1–AMM7, AMM10, and AMM25.

- Injury and direct mortality: Water conveyance facility construction is not likely to result in injury or mortality of individual riparian woodrats because the species is not likely to be present in the areas that would be affected by this activity, based on live trapping results (~~BDCP~~ see *Appendix 3.E, Conservation Principles for the Riparian Woodrat and Riparian Brush Rabbit*, of the Draft BDCP). Tidal natural communities restoration would not result in injury or mortality of riparian woodrats because, under AMM25, tidal natural communities restoration projects would be designed to avoid occupied riparian woodrat habitat and if that is not possible to trap and relocate the species. Activities associated with construction of setback levees for floodplain restoration could result in injury or mortality of riparian woodrats; however, preconstruction surveys, construction monitoring, and other measures would be implemented under AMM25 to avoid and minimize injury or mortality of this species during construction, as described in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft ~~BDCP~~ BDCP~~BDCP Appendix 3.C~~. If occupied riparian woodrat habitat cannot be avoided, mortality would be avoided through implementation of a trapping and relocation program. The program would be developed in coordination with USFWS, and relocation would be to a site approved by USFWS prior to construction activities.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because water conveyance facilities construction is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would not be adverse under NEPA.

No riparian woodrat habitat would be lost in the near-term timeframe. Implementation of CM11 could have minor adverse effects on available riparian woodrat habitat, and activities associated with construction of setback levees for floodplain restoration could result in injury or mortality of riparian woodrats.

The BDCP has committed to near-term restoration of 800 acres of ~~riparian(~~riparian (Objective VFRNC1.1) and protection of 750 acres of riparian (Objective VFRNC1.2) (see Table 3-4 in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). In addition, the species-specific biological goals and objectives (RW1.1 and RW1.2~~)would~~) would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for NEPA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be not be adverse under NEPA, because no riparian woodrat habitat would be lost and there is only limited potential for minor adverse effects on woodrats or its habitat from implementation of CM11.

These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized through the BDCP's commitment to *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM7 Barge Operations Plan*, *AMM10 Restoration of Temporarily Affected Natural Communities*, and *AMM25 Riparian Woodrat and Riparian Brush Rabbit*. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

The study area supports approximately 2,166 acres of modeled riparian woodrat habitat. Alternative 4 as a whole would result in the permanent loss and temporary removal of 84 acres of modeled habitat for riparian woodrat habitat during the late long-term. None of this habitat is considered occupied.

Objective RW1.1 requires at least 300 acres of riparian habitat that meets the ecological requirements of the riparian woodrat (e.g., dense willow understory and oak overstory) and that is adjacent to or facilitates connectivity with existing occupied or potentially occupied habitat to be restored in CZ 7. The conserved habitat would also be part of a larger, more contiguous, and less patchy area of protected and restored riparian natural community than what currently exists in CZ 7 and would be contiguous with existing modeled riparian woodrat habitat. The species-specific objective further requires that the 300 acres of restored riparian habitat meet more specific ecological requirements of riparian woodrat (e.g., dense willow understory and oak overstory). Additionally, assuming the protected riparian natural community would provide riparian woodrat habitat proportional to the amount of modeled habitat in this natural community in the Plan Area (12% of the riparian natural community in the Plan Area is modeled riparian woodrat habitat), the protection of 750 acres of riparian natural community (CM3) would provide an estimated 90 acres of protected riparian woodrat habitat that is comparable to or of higher value than existing modeled grassland habitat. All riparian protection would occur during the near-term period to offset early riparian losses.

The Plan would also create and maintain mounds, levee sections, or other high areas in restored and protected riparian areas (Objective RW1.2) that are designed specifically to provide flood refugia for the riparian woodrat (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). In addition, the restored floodplains would transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more) (Objective L1.5): these infrequently flooded areas would provide refuge for the riparian woodrat during most years.

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6*, Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of valley/foothill riparian that could overlap with the species model, would result in the restoration of 300 acres of modeled habitat for riparian woodrat. In addition, protection of valley/foothill riparian could overlap with the species model and would result in the protection of 90 acres riparian woodrat modeled habitat.

Although there are no records of occurrences of the riparian woodrat in the study area, habitat restoration in CZ 7, in the vicinity of occurrences south of the study area, would increase opportunities for northward expansion of the species into the study area Implementation of Alternative 4 conservation measures is not expected to adversely affect the riparian woodrat for the following reasons.

- There are no riparian woodrat occurrences in the Plan Area.
- The habitat that would be removed consists of small patches that are of moderate value for the species.
- The habitat that would be removed permanently is a small proportion of the total habitat in the Plan Area (2%).
- Avoidance and minimization measures would be implemented to avoid injury or mortality of riparian woodrats, and to minimize loss of occupied habitat.
- Floodplain restoration would be designed to provide flood refugia so that flooding would not adversely affect any riparian woodrats that occupy restored floodplains.

NEPA Effects: Alternative 4 would provide a substantial benefit to the riparian woodrat through the net increase in available habitat and a net increase of habitat in protected status. These protected areas would be managed and monitored to support the species. The affected habitat is currently unoccupied and habitat removal is not expected to result in a discernible change in the abundance or distribution of riparian woodrat should they occupy study area habitats. Should the species be detected in the study area, implementation of AMM1–AMM7, AMM10, and AMM25 would avoid and minimize the effects of conservation component construction and implementation. Therefore, the loss of habitat and potential mortality of individuals would not have an adverse effect on riparian woodrat under Alternative 4.

CEQA Conclusion:

Near-Term Timeframe

Because water conveyance facilities construction is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would be less than significant for CEQA purposes.

No riparian woodrat habitat would be lost in the near-term timeframe. Implementation of CM11 could have minor ~~adverse effects~~significant impacts on available riparian woodrat habitat, and activities associated with construction of setback levees for floodplain restoration could result in injury or mortality of riparian woodrats.

The BDCP has committed to near-term restoration of 800 acres of riparian habitat (Objective VFRNC1.1) and protection of 750 acres of riparian habitat (Objective VFRNC1.2) (see Table 3-4 in

Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS). In addition, the species-specific biological goals and objectives (RW1.1 and RW1.2) would inform the near-term protection and restoration efforts. The natural community restoration and protection activities are expected to be concluded during the first 10 years of plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for CEQA purposes. The Plan also contains commitments to implement AMM1–AMM7, AMM10, and AMM25, which include elements that avoid or minimize the risk of affected habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA, because no riparian woodrat habitat would be lost and there is only limited potential for minor ~~adverse effects~~significant impacts on woodrats or its habitat from implementation of CM11. No mitigation would be required.

Late Long-Term Timeframe

The study area supports approximately 2,166 acres of modeled riparian woodrat habitat. Alternative 4 as a whole would result in the permanent loss and temporary removal of 84 acres of modeled habitat for riparian woodrat habitat during the late long-term. None of this habitat is considered occupied.

Objective RW1.1 requires at least 300 acres of riparian habitat that meets the ecological requirements of the riparian woodrat (e.g., dense willow understory and oak overstory) and that is adjacent to or facilitates connectivity with existing occupied or potentially occupied habitat to be restored in CZ 7. The conserved habitat would also be part of a larger, more contiguous, and less patchy area of protected and restored riparian natural community than what currently exists in CZ 7 and would be contiguous with existing modeled riparian woodrat habitat. The species-specific objective further requires that the 300 acres of restored riparian habitat meet more specific ecological requirements of riparian woodrat (e.g., dense willow understory and oak overstory). Additionally, assuming the protected riparian natural community would provide riparian woodrat habitat proportional to the amount of modeled habitat in this natural community in the Plan Area (12% of the riparian natural community in the Plan Area is modeled riparian woodrat habitat), the protection of 750 acres of riparian natural community (CM3) would provide an estimated 90 acres of protected riparian woodrat habitat that is comparable to or of higher value than existing modeled grassland habitat. All riparian protection would occur during the near-term period, to offset early riparian losses.

The Plan would also create and maintain mounds, levee sections, or other high areas in restored and protected riparian areas (Objective RW1.2) that are designed specifically to provide flood refugia for the riparian woodrat (~~BDCP~~ see Appendix 3.E, *Conservation Principles for the Riparian Brush Rabbit and Riparian Woodrat*, of the Draft BDCP). In addition, the restored floodplains would transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more) (Objective L1.5): these infrequently flooded areas would provide refuge for the riparian woodrat during most years.

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, Effects on Covered Wildlife and Plant Species, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of valley/foothill riparian that could overlap with the species model, would result in the restoration of 300 acres of modeled habitat for riparian woodrat. In addition, protection of valley/foothill riparian could overlap with the species model and would result in the protection of 90 acres riparian woodrat modeled habitat.

Although there are no records of occurrences of the riparian woodrat in the study area, habitat restoration in CZ 7, in the vicinity of occurrences south of the study area, would increase opportunities for northward expansion of the species into the study area Implementation of Alternative 4 conservation measures is not expected to ~~adversely affect~~significantly impact the riparian woodrat for the following reasons.

- There are no riparian woodrat occurrences in the Plan Area.
- The habitat that would be removed consists of small patches that are of moderate value for the species.
- The habitat that would be removed permanently is a small proportion of the total habitat in the Plan Area (2%).
- Avoidance and minimization measures would be implemented to avoid injury or mortality of riparian woodrats, and to minimize loss of occupied habitat.
- Floodplain restoration would be designed to provide flood refugia so that flooding would not adversely affect any riparian woodrats that occupy restored floodplains.

Alternative 4 would provide a substantial benefit to the riparian woodrat through the net increase in available habitat and a net increase of habitat in protected status. These protected areas would be managed and monitored to support the species. The affected habitat is currently unoccupied and habitat removal is not expected to result in a discernible change in the abundance or distribution of riparian woodrat should they occupy study area habitats. Should the species be detected in the study area, implementation of AMM1–AMM7, AMM10, and AMM25 would avoid and minimize the effects of conservation component construction and implementation. Therefore, the loss of habitat and potential mortality of individuals under Alternative 4 would not have a significant impact on riparian woodrat. No mitigation would be required.

Impact BIO-156: Indirect Effects of Plan Implementation on Riparian Woodrat

Noise and visual disturbance adjacent to construction activities could indirectly affect the use of modeled habitat for riparian woodrat. These effects are related construction activities associated with tidal natural communities restoration construction and construction of setback levees. Indirect effects on the species from construction associated with tidal natural communities restoration are unlikely because, under AMM25, tidal natural communities restoration projects would be sited to avoid areas occupied by riparian woodrat. The activity most likely to result in noise and visual disturbance to riparian woodrat would be the construction of setback levees. These adverse effects would be minimized through implementation of AMM1–AMM7, AMM10, and AMM25.

NEPA Effects: Implementation of the AMMs listed above as part of implementing BDCP Alternative 4 would avoid the potential for substantial adverse effects on riparian woodrats, either indirectly or through habitat modifications or result in a substantial reduction in numbers or a restriction in the range of riparian woodrats. Therefore, indirect effects of Alternative 4 would not have an adverse effect on riparian woodrat.

CEQA Conclusion: Should the species be detected in the study area, indirect effects of conservation measure construction and implementation could impact riparian woodrat and its habitat. AMM1–AMM7, AMM10, and AMM25 implemented under Alternative 1A would avoid and minimize the impact and result in a less-than-significant impact. No mitigation would be required.

Impact BIO-157: Periodic Effects of Inundation of Riparian Woodrat Habitat as a Result of Implementation of Conservation Components

CM5 Seasonally inundated floodplain restoration is the only covered activity expected to result in periodic inundation of riparian woodrat habitat. Floodplain restoration would result in periodic inundation of up to 203 acres of riparian woodrat habitat (9% of the riparian woodrat habitat in the Plan Area). The area between existing levees that would be breached and the newly constructed setback levees would be inundated through seasonal flooding. The potentially inundated areas consist of moderate-value habitat for the species. Although the habitat consists of small patches and narrow bands of riparian vegetation and no riparian woodrats have detected in CZ 7, the riparian patches are in proximity to each other along the San Joaquin River and there are two species occurrences immediately south of CZ 7, one of which is less than 1 mile from the southernmost patch of riparian habitat potentially affected by levee construction. The restored floodplains would transition from areas that flood frequently (e.g., every 1 to 2 years) to areas that flood infrequently (e.g., every 10 years or more).

NEPA Effects: Alternative 4's period inundation of 203 acres of riparian habitat for riparian woodrat is Alternative 4 not expected to result in substantial adverse effects on riparian woodrat, either directly or through habitat modifications and would not result in a substantial reduction in numbers or a restriction in the range of riparian woodrat. The effects of periodic inundation on the riparian woodrat would be minimized through construction and maintenance of flood refugia to allow riparian woodrats to escape inundation. Therefore, the periodic inundation of riparian woodrat habitat would not adversely affect the species under Alternative 4.

CEQA Conclusion: Floodplain restoration under CM5 would periodically affect a total of 203 acres of riparian habitat for riparian woodrat, representing 9% of the 2,166 acres of modeled riparian woodrat habitat in the study area. The impact of periodic inundation on the riparian woodrat would be minimized through construction and maintenance of flood refugia to allow riparian woodrats to escape inundation, as described in AMM25. Implementation of CM5 would not be expected to result in significant impacts on riparian woodrat, either directly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of riparian woodrats. Periodic inundation of riparian woodrat habitat under Alternative 4 would have a less-than-significant impact. No mitigation would ~~be required~~be required.

Salt Marsh Harvest Mouse

The habitat model used to assess effects for the salt marsh harvest mouse includes six habitat types: primary tidal marsh habitat, secondary tidal marsh habitat (low marsh), secondary upland habitat adjacent to tidal marsh habitat, primary habitat within managed wetlands, secondary habitat within managed wetlands (dominated by plants characteristic of low marsh), and upland habitats within managed wetland boundaries. The tidal and managed wetland habitats were discriminated recognizing that regardless of habitat value, managed wetlands are at high risk of catastrophic flooding and have lower long-term conservation value than tidal wetlands.

Construction and restoration associated with Alternative 4 conservation measures would result in effects on modeled salt marsh harvest mouse habitat, which would include permanent losses and habitat conversions (i.e., existing habitat converted to greater or lesser valued habitat for the species post-restoration) as indicated in Table 12-4-57. All of the effects on the species would take place over an extended period of time as tidal marsh is restored in the Plan Area. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit salt marsh harvest mouse (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Restore or create 6,000 acres of tidal brackish emergent wetland in CZ 11 to be consistent with the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (Objective TBEWNC1.1, associated with CM4).
- Within the 6,000 acres of tidal brackish emergent wetland restored or created, distribute 1,500 acres of middle and high marsh (primary salt marsh harvest mouse habitat) to contribute to total (existing and restored) acreage targets for each complex as specified in the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (Objective TBEWNC1.2, associated with CM4).
- Limit perennial pepperweed to no more than 10% cover in the tidal brackish emergent wetland natural community within the reserve system (Objective TBEWNC2.1).
- Protect and enhance at least 1,500 acres of managed wetland in Grizzly Island Marsh Complex for the benefit of salt marsh harvest mouse (Objective MWNC1.1, associated with CM3).
- Protect or restore grasslands adjacent to restored tidal brackish emergent wetlands to provide at least 200 feet of adjacent grasslands beyond the sea level rise accommodation area (Objective GNC1.4, associated with CM3 and CM8).
- Provide viable habitat areas for salt marsh harvest mouse within the 1,500 acres of restored or created middle and high marsh as defined in the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (Objective SMHM1.1).
- Provide viable habitat areas for salt marsh harvest mouse within the 1,500 acres of managed wetland protected and enhanced in the Grizzly Island Marsh Complex as defined in the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California, and increase population levels above the current baseline (Objective SMHM1.2).

As explained below, with the restoration and protection of these amounts of habitat, in addition to implementation of AMMs to minimize potential effects, impacts on the salt marsh harvest mouse would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-57. Changes in Salt Marsh Harvest Mouse Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	(CM1 Outside of species range)	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**		
CM2–CM18	*TBEW Primary*	64	67	0	0	0	0
	TBEW Secondary	0	0	0	0	0	0
	Upland Secondary	8	9	0	0	0	0
	MW Wetland Primary	1,913	5,323	0	0	0	0
	MW Wetland Secondary	315	807	0	0	0	0
	MW Upland	165	762	0	0	0	0
Total Impacts CM2–CM18		**2,465**	**6,968**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**2,645**	**6,968**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. Yolo periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

TBEW = tidal brackish emergent wetland
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-158: Loss or Conversion of Habitat for and Direct Mortality of Salt Marsh Harvest Mouse

BDCP tidal restoration (CM4) would be the only conservation measure resulting in effects on salt marsh harvest mouse habitat. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. Each of these activities is described in detail below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration* would result in effects on 6,968 acres of salt marsh harvest mouse modeled habitat, which would include 5,376 acres of permanent losses and 1,592 acres of habitat conversions. Salt marsh harvest mouse may be displaced temporarily from areas of converted habitat but these areas would ultimately provide suitable habitat for the species. However, 1,058 of these acres would be downgraded from primary habitat (67 acres of primary tidal brackish emergent wetland and 991 acres of primary managed wetland) to secondary tidal brackish emergent wetland. The hypothetical restoration footprints in Suisun Marsh overlap with 13 CNDDB records for salt marsh harvest mouse (California Department of Fish and Wildlife 2013); however, the BDCP's conservation actions assume that all suitable habitat in Suisun Marsh is occupied by the species.

- *CM11 Natural Communities Enhancement and Management:* As described in the BDCP, the restoration of at least 1,500 acres of tidal brackish emergent wetland would be managed to provide viable habitat for salt marsh harvest mouse and the protection of 1,500 acres of managed wetland specifically to be managed for salt marsh harvest mouse. A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance and manage these areas for salt marsh harvest mouse and may result in localized ground disturbances that could temporarily remove small amounts of salt marsh harvest mouse habitat. The restoration of tidal brackish emergent wetlands, the protection managed wetlands, and the protection and/or restoration of grasslands within 200 feet of restored salt marsh harvest mouse habitat would also have enhancement and management actions that would include invasive species control, nonnative wildlife control, and vegetation management. Ground-disturbing activities, such as removal of nonnative vegetation are expected to have minor effects on habitat and are expected to result in overall improvements to and maintenance of salt marsh harvest mouse habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below.

- Injury and Direct Mortality: The use of heavy equipment and handtools may result in injury or mortality to salt marsh harvest mouse during restoration, enhancement, and management activities. However, preconstruction surveys, construction monitoring, and other measures would be implemented to avoid and minimize injury or mortality of this species during these activities, as required by the AMM listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

The near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of near-term covered activities would not be adverse under NEPA. The Plan would affect 2,465 acres of salt marsh harvest mouse modeled habitat in the study area in the near-term. These effects include 1,517 acres of permanent loss and 948 acres of converted habitat. Most of the habitat converted would be from primary habitats (599 acres consisting of 64 acres of tidal brackish emergent wetland and 534 acres of managed wetland) to secondary tidal brackish emergent wetland.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland, the protection and/or restoration of grasslands within 200 feet of restored tidal wetlands, and the protection and enhancement of 1,500 acres of managed wetlands for salt marsh harvest mouse. Though there would be a net loss of modeled habitat, nearly all of these losses (97%) are to managed wetlands, which according to the U.S. Fish and Wildlife Service are at high risk of catastrophic flooding (U.S. Fish and Wildlife Service 2010) and have lower long-term conservation value than tidal wetlands. The species-specific biological goals and objectives would inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on salt marsh harvest mouse.

Other factors relevant to effects on salt marsh harvest mouse are listed below.

- Tidal restoration actions would not immediately displace salt marsh harvest mouse in managed wetlands, as noted in the specie's draft recovery plan, because the conversion of managed wetland to tidal marsh would be gradual. Tidal marsh restoration is often accomplished by breaching levees and converting diked nontidal marsh currently occupied by salt marsh harvest mouse populations to tidal wetlands, their historic condition. Conversion of these subsided areas requires sedimentation and accretion over time to restore marsh plains, resulting in a prolonged period (sometimes a decade or more) in which resident mice populations are displaced by uninhabitable aquatic areas (U.S. Fish and Wildlife Service 2010). Despite these temporary adverse effects, the draft recovery plan and Suisun Marsh Plan advocate strongly for restoration of tidal wetlands through the conversion of managed wetlands. These plans are based on the premise that managed wetlands are at high risk of loss of salt marsh harvest mouse habitat from a variety of factors, including flooding from levee failure and cessation of active management (which is often necessary to maintain habitat values in managed wetlands). Therefore, the temporary effects under Alternative 4 would be consistent with those deemed acceptable in the draft recovery plan for salt marsh harvest mouse and the Suisun Marsh Plan.
- Restoration in Suisun Marsh would be carefully phased over time to offset adverse effects of restoration as it occurs. This phasing would ensure that temporal loss as a result of tidal natural communities restoration does not adversely affect the salt marsh harvest mouse population, ensure that short-term population loss is relatively small and incremental, and maintain local source populations to recolonize newly restored areas. The tidal restoration projects in Suisun Marsh would be implemented in 150-acre or greater patches that provide viable habitat areas for the salt marsh harvest mouse habitat consistent with the draft tidal marsh recovery plan (U.S. Fish and Wildlife Service 2010).
- The salt marsh harvest mouse population would be monitored during the phasing process~~ (see BDCP Chapter 3, Section 3.4.4.3.4,)~~, and adaptive management would be applied to ensure maintenance of the population as described in the BDCP (~~BDCP~~ see Chapter 3, Section 3.3.7.13, *Salt Marsh Harvest Mouse,*~~4.4.4~~ and Section 3.6, *Adaptive Management and Monitoring Program*, of the Draft BDCP).
- The BDCP commits to manage reserve areas so that perennial pepperweed cover is no more than 10% in tidal brackish emergent wetlands (Objective TBEWNC2.1), which would benefit pickleweed production in the marsh. Salt marsh harvest mouse depends on pickleweed for forage and cover.

Because there would be no project-level effects on salt marsh harvest mouse resulting from CM1, the analysis of the effects of conservation actions does not include a comparison with standard ratios used for NEPA analyses.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and*

Countermeasure Plan, and AMM26 Salt Marsh Harvest Mouse and Suisun Shrew. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–26 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

The study area supports approximately 35,588 acres of salt marsh harvest mouse modeled habitat. Alternative 4 as a whole would result in effects on 6,968 acres of saltmarsh harvest mouse modeled habitat over the term of the Plan, which would include 5,376 acres of permanent losses and 1,592 acres of habitat conversions. This loss and conversion would affect 20% of the modeled habitat in the study area. Most of these effects (99%) would be on managed wetlands, which, though are known to be occupied by salt marsh harvest mouse, are at high risk of catastrophic flooding and have a lower long-term conservation value than tidal wetlands (U.S. Fish and Wildlife Service 2010). Effects on up to 20% of the species' habitat in the Plan Area may diminish the salt marsh harvest mouse population in the Plan Area and result in reduced genetic diversity, thereby putting the local population at risk of local extirpation due to random environmental fluctuations or catastrophic events. This effect is expected to be greatest if large amounts of habitat are removed at one time in Suisun Marsh and are not effectively restored for many years, and if there are no adjacent lands with salt marsh harvest mouse populations to recolonize restored areas.

The Plan includes a commitment to restore or create 6,000 acres of tidal brackish emergent wetland, 1,500 acres of which would target middle and high marsh habitat (primary habitat for salt marsh harvest mouse) (TBEWNC1.1, TBEWNC1.2, SMHM1.1, associated with CM4); the protection of 6,500 acres of managed wetlands, 1,500 acres of which would be specifically managed for salt marsh harvest mouse (SMHM1.2 and MWNC1.1, associated with CM3), and the protection and/or restoration of grassland adjacent to tidal restoration (areas within 200 feet of tidal restoration) to provide upland refugia for salt marsh harvest mouse (GNC1.4, associated with CM3 and CM8). Other factors relevant to effects on salt marsh harvest mouse include:

- Tidal restoration actions would not immediately displace salt marsh harvest mouse in managed wetlands as noted in the draft recovery plan for salt marsh harvest mouse because the conversion of managed wetland to tidal marsh would be gradual. Tidal marsh restoration is often accomplished by breaching levees and converting diked nontidal marsh currently occupied by salt marsh harvest mouse to tidal wetlands, their historic condition. Conversion of these subsided areas requires sedimentation and accretion over time to restore marsh plains, resulting in a prolonged period (sometimes a decade or more) in which resident mice populations are displaced by uninhabitable aquatic areas (U.S. Fish and Wildlife Service 2010). Despite these temporary adverse effects, the draft recovery plan and Suisun Marsh Plan advocate strongly for restoration of tidal wetlands through the conversion of managed wetlands. These plans are based on the premise that managed wetlands are at high risk of loss of salt marsh harvest mouse habitat from a variety of factors, including flooding from levee failure and cessation of active management (which is often necessary to maintain habitat values in managed wetlands). Therefore, the temporary effects under BDCP are consistent with those deemed acceptable in the draft recovery plan for salt marsh harvest mouse and the Suisun Marsh Plan.
- In order to ensure that temporal loss as a result of tidal natural communities restoration does not adversely affect the salt marsh harvest mouse population, restoration in Suisun Marsh would be carefully phased over time to offset adverse effects of restoration as it occurs, ensure

that short-term population loss is relatively small and incremental, and maintain local source populations to recolonize newly restored areas. The tidal restoration projects in Suisun Marsh would be implemented in 150-acre or greater patches that provide viable habitat areas for the salt marsh harvest mouse habitat consistent with the draft tidal marsh recovery plan (U.S. Fish and Wildlife Service 2010).

- The salt marsh harvest mouse population would be monitored during the phasing process~~ (see BDCP Chapter 3, Section 3.4.4.3.4,)~~, and adaptive management would be applied to ensure maintenance of the population as described in the BDCP (~~BDCP ~~see Chapter 3, Section 3.3.7.13, *Salt Marsh Harvest Mouse*, and Section 3.6, *Adaptive Management and Monitoring Program*, of the Draft BDCP~~3.4.4.4 and Section 3.6~~).
- The BDCP commits to manage reserve areas so that perennial pepperweed cover is no more than 10% in tidal brackish emergent wetlands (Objective TBEWNC2.1), which would benefit pickleweed production in the marsh. Salt marsh harvest mouse depends on pickleweed for forage and cover.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value, which is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.

The BDCP's beneficial effects analysis (~~BDCP ~~Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 6,046 acres and the protection of 1,550 acres of modeled habitat for salt marsh harvest mouse.

NEPA Effects: In the absence of other conservation actions, the effects on salt marsh harvest mouse habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, the BDCP has committed to habitat protection, restoration, management, and enhancement associated with CM3, CM4, CM8, and CM11. This habitat protection, restoration, management, and enhancement would be guided by species-specific goals and objectives and by AMM1–AMM5 and AMM26, which would be in place during construction activity. Considering these commitments, losses and conversions of salt marsh harvest mouse habitat and potential mortality of individuals in the near-term and late long-term under Alternative 4 would not be an adverse effect.

CEQA Conclusion:

Near-Term Timeframe

The near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of near-term covered activities would be less than significant under CEQA. The Plan would affect 2,465 acres of salt marsh harvest mouse modeled habitat in the study area in the near-term. These effects include 1,517 acres of permanent loss and 948 acres of converted habitat. Most of the habitat converted would be to primary habitats (599 acres consisting of 64 acres of tidal brackish emergent wetland and 534 acres of managed wetland) to secondary tidal brackish emergent wetland.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland, the protection and/or restoration of grasslands within 200 feet of restored tidal wetlands, and the protection and enhancement of 1,500 acres of managed wetlands for salt marsh harvest mouse). Though there would be a net loss of modeled habitat, nearly all of these losses (97%) are to managed wetlands, which according to the U.S. Fish and Wildlife Service are at high risk of catastrophic flooding (U.S. Fish and Wildlife Service 2010) and have lower long-term conservation value than tidal wetlands. The species-specific biological goals and objectives would inform the near-term protection and restoration efforts. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of protection and restoration contained in the near-term Plan goals would keep pace with the loss of habitat and effects on salt marsh harvest mouse habitat.

Other factors relevant to effects on salt marsh harvest mouse are listed below.

- Tidal restoration actions would not immediately displace salt marsh harvest mouse in managed wetlands as noted in the specie's draft recovery plan because the conversion of managed wetland to tidal marsh would be gradual. Tidal marsh restoration is often accomplished by breaching levees and converting diked nontidal marsh currently occupied by salt marsh harvest mouse populations to tidal wetlands, their historic condition. Conversion of these subsided areas requires sedimentation and accretion over time to restore marsh plains, resulting in a prolonged period (sometimes a decade or more) in which resident mice populations are displaced by uninhabitable aquatic areas (U.S. Fish and Wildlife Service 2010). Despite these temporary adverse effects, the draft recovery plan and Suisun Marsh Plan advocate strongly for restoration of tidal wetlands through the conversion of managed wetlands. These plans are based on the premise that managed wetlands are at high risk of loss of salt marsh harvest mouse habitat from a variety of factors, including flooding from levee failure and cessation of active management (which is often necessary to maintain habitat values in managed wetlands). Therefore, the temporary impacts under Alternative 4 would be consistent with those deemed acceptable in the draft recovery plan for salt marsh harvest mouse and the Suisun Marsh Plan.

- To ensure that temporal loss as a result of tidal natural communities restoration does not adversely affect the salt marsh harvest mouse population, restoration in Suisun Marsh would be carefully phased over time to offset adverse effects of restoration as it occurs, ensure that short-term population loss is relatively small and incremental, and maintain local source populations to recolonize newly restored areas. The tidal restoration projects in Suisun Marsh would be implemented in 150-acre or greater patches that provide viable habitat areas for the salt marsh harvest mouse habitat consistent with the draft tidal marsh recovery plan (U.S. Fish and Wildlife Service 2010).

- The salt marsh harvest mouse population would be monitored during the phasing process~~ (see BDCP Chapter 3, Section 3.4.4.3.4,)~~, and adaptive management would be applied to ensure maintenance of the population as described in the BDCP (~~BDCP ~~see Chapter 3, Section 3.3.7.13, *Salt Marsh Harvest Mouse*, and Section 3.6, *Adaptive Management and Monitoring Program*, of the Draft BDCP~~3.4.4.4 and Section 3.6~~).

- The BDCP commits to manage reserve areas so that perennial pepperweed cover is no more than 10% in tidal brackish emergent wetlands (Objective TBEWNC2.1), which would benefit pickleweed production in the marsh. Salt marsh harvest mouse depends on pickleweed for forage and cover.

Because there would be no project-level impacts on salt marsh harvest mouse resulting from CM1, the analysis of the impacts of conservation actions does not include a comparison with standard ratios used for project-level CEQA analyses.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, and AMM26 Salt Marsh Harvest Mouse and Suisun Shrew*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–26 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA.

Late Long-Term Timeframe

The study area supports approximately 35,588 acres of salt marsh harvest mouse modeled habitat. Alternative 4 as a whole would result in effects on 6,968 acres of saltmarsh harvest mouse modeled habitat over the term of the Plan, which would include 5,376 acres of permanent losses and 1,592 acres of habitat conversions. The Plan includes a commitment to restore or create 6,000 acres of tidal brackish emergent wetland, 1,500 acres of which would target middle and high marsh habitat (primary habitat for salt marsh harvest mouse) (Objectives TBEWNC1.1, TBEWNC1.2, SMHM1.1, associated with CM4); the protection of 6,500 acres of managed wetlands, 1,500 acres of which would be specifically managed for salt marsh harvest mouse (Objectives SMHM1.2 and MWNC1.1, associated with CM3), and the protection and/or restoration of grassland adjacent to tidal restoration (areas within 200 feet of tidal restoration) to provide upland refugia for salt marsh harvest mouse (Objective GNC1.4, associated with CM3 and CM8). Other factors relevant to effects on salt marsh harvest mouse include:

- Tidal restoration actions would not immediately displace salt marsh harvest mouse in managed wetlands as noted in the draft recovery plan for salt marsh harvest mouse because the conversion of managed wetland to tidal marsh would be gradual. Tidal marsh restoration is often accomplished by breaching levees and converting diked nontidal marsh currently occupied by salt marsh harvest mouse populations to tidal wetlands, their historic condition. Conversion of these subsided areas requires sedimentation and accretion over time to restore marsh plains, resulting in a prolonged period (sometimes a decade or more) in which resident mice populations are displaced by uninhabitable aquatic areas (U.S. Fish and Wildlife Service 2010). Despite these temporary adverse effects, the draft recovery plan and Suisun Marsh Plan advocate strongly for restoration of tidal wetlands through the conversion of managed wetlands. These plans are based on the premise that managed wetlands are at high risk of loss of salt marsh harvest mouse habitat from a variety of factors, including flooding from levee failure and cessation of active management (which is often necessary to maintain habitat values in managed wetlands). Therefore, the temporary effects under BDCP are consistent with those deemed acceptable in the draft recovery plan for salt marsh harvest mouse and the Suisun Marsh Plan.
- In order to ensure that temporal loss as a result of tidal natural communities restoration does not adversely affect the salt marsh harvest mouse population, restoration in Suisun Marsh would be carefully phased over time to offset adverse effects of restoration as it occurs, ensure

that short-term population loss is relatively small and incremental, and maintain local source populations to recolonize newly restored areas. The tidal restoration projects in Suisun Marsh would be implemented in 150-acre or greater patches that provide viable habitat areas for the salt marsh harvest mouse habitat consistent with the draft tidal marsh recovery plan (U.S. Fish and Wildlife Service 2010).

- The salt marsh harvest mouse population would be monitored during the phasing process~~ (see BDCP Chapter 3, Section 3.4.4.3.4,)~~, and adaptive management would be applied to ensure maintenance of the population as described in the BDCP (~~BDCP ~~see Chapter 3, Section 3.3.7.13, *Salt Marsh Harvest Mouse*, and Section 3.6, *Adaptive Management and Monitoring Program*, of the Draft BDCP~~3.4.4.4 and Section 3.6~~).
- The BDCP commits to manage reserve areas so that perennial pepperweed cover is no more than 10% in tidal brackish emergent wetlands (Objective TBEWNC2.1), which would benefit pickleweed production in the marsh. Salt marsh harvest mouse depends on pickleweed for forage and cover.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value, which is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.

The BDCP's beneficial effects analysis (~~BDCP ~~Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft EIR/EIS) estimates that the restoration and protection actions discussed above could result in the restoration of 6,046 acres and the protection of 1,550 acres of modeled habitat for salt marsh harvest mouse.

Alternative 4 would result in substantial modifications to salt marsh harvest mouse habitat in the absence of other conservation actions. However, with habitat protection, restoration, management, and enhancement associated with CM3, CM4, CM8, and CM11, guided by species-specific goals and objectives and by AMM1–AMM5 and AMM26, which would be in place throughout the construction period, Alternative 4 over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on salt marsh harvest mouse.

Impact BIO-159: Indirect Effects of Plan Implementation on Salt Marsh Harvest Mouse

Construction/disturbance activities associated tidal restoration (CM4), grassland restoration (CM8), and management and enhancement activities (CM11) could result in temporary noise and visual disturbances to salt marsh harvest mouse occurring within 100 feet of these areas over the term of the BDCP. These potential effects would be minimized or avoided through AMM1–AMM5, and AMM26, which would be in effect throughout the term of the Plan.

The use of mechanical equipment during the implementation of the conservation measures could cause the accidental release of petroleum or other contaminants that could affect salt marsh harvest mouse and its habitat. The inadvertent discharge of sediment could also have a negative effect on the species and its habitat. AMM1–AMM5 would minimize the likelihood of such spills and would ensure measures are in place to prevent runoff from the construction area and potential effects of sediment on salt marsh harvest mouse.

Tidal marsh restoration has the potential to increase salt marsh harvests mouse's exposure to mercury. Mercury is transformed into the more bioavailable form of methylmercury under anaerobic conditions, which in the environment typically occurs in sediments subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury. In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). High tidal marsh is considered to be primary habitat for salt marsh harvest mouse and thus the species could be exposed to methyl mercury in tidal restoration areas. Salt marsh harvest mouse may be exposed to elemental mercury by feeding on pickleweed, which is found concentrated in the distal tips of pickleweed leaves (Yee et. al., 2008). Though elemental mercury is less bioavailable than methylmercury, studies have shown that mercury can become methylated in the anaerobic portions of the intestinal tract (Rudd et al. 1980, Rieder et al. 2013) and could thus become a pathway for salt marsh harvest exposure to methylmercury. A study of small mammals residing in pickleweed around the San Francisco Bay showed an absence of salt marsh harvest mouse where mercury concentrations measured in house mice (*Mus musculus*) livers were ≥0.19 μg/g (dry weight) (Clark et al. 1992). Clark et al (1992) also report that the lack of salt marsh harvest mouse at these locations are not the result of undetected habitat differences or are by chance. Clarke et al (1992) suggest that the absence of salt marsh harvest mouse at certain locations may be associated with higher amounts of mercury and polychlorinated biphenyls (PCBs); however, because their study didn't analyze contaminants in salt marsh harvest mouse and because (at that time) there was no data in the literature on contaminants in harvest mice, they could not make conclusions on these associations. Currently, it is unknown what the exact exposure pathways are or what tissue concentrations are harmful to the salt marsh harvest mouse.

The Suisun Marsh Plan (Bureau of Reclamation et al. 2010) anticipates that tidal wetlands restored under the plan would generate less methylmercury than the existing managed wetlands. As discussed in Appendix D *Substantive BDCP Revisions*, in this RDEIR/SEIS, managed wetlands provide for the highest rates of methylation (Windham-Myers et al. 2010). Thus, restoration actions in Suisun Marsh that convert managed to unmanaged tidal wetlands are expected to decrease mercury methylation on a local scale, and total bioavailable methylmercury on a broader scale in the Suisun Marsh system. Overall, BDCP restoration actions should result in a net benefit to Suisun Marsh in terms of mercury. The potential for salt marsh harvest mouse exposure to methyl mercury in Suisun Marsh may decrease in the long term because the creation of tidal brackish emergent wetland would predominantly result from the conversion of managed wetlands. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) includes provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring, CM12 could reduce the effects of methylmercury on salt marsh harvest mouse resulting from BDCP tidal restoration.

***NEPA Effects*:** Implementation of the AMMs listed above as part of implementing BDCP Alternative 4 would avoid and minimize indirect effects on salt marsh harvest mouse. These AMMs would also avoid and minimize effects that could substantially reduce the number of salt marsh harvest mouse, or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on salt marsh harvest mouse.

***CEQA Conclusion*:** Indirect effects from construction-related noise and visual disturbances could impact salt marsh harvest mouse within 100 feet of these disturbances. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could impact salt marsh harvest mouse and its habitat. The inadvertent discharge of sediment adjacent to salt marsh harvest mouse habitat could also impact the species. With implementation of AMM1–AMM5 and AMM26 as part of Alternative 4 construction, operation and maintenance, the BDCP would avoid the potential for substantial adverse effects on salt marsh harvest mouse, either indirectly or through habitat modifications, in that the BDCP would not result in a substantial reduction in numbers or a restriction in the range of salt marsh harvest mouse. The indirect effects of BDCP Alternative 4 would have a less-than-significant impact on salt marsh harvest mouse.

Salt marsh harvest mouse could experience indirect effects from increased exposure to methylmercury as a result of tidal habitat restoration (CM4). With implementation of CM12, the potential indirect effects of methlymercury would not result in a substantial reduction in numbers or a restriction in the range of salt marsh harvest mouse, and, therefore, would have a less-than-significant impact on the species.

Suisun Shrew

This section describes the effects of Alternative 4, including water conveyance facilities construction and implementation of other conservation components, on the Suisun shrew. Primary Suisun shrew habitat consists of all *Salicornia*-dominated natural seasonal wetlands and certain *Scirpus* and *Typha* communities found within Suisun Marsh only. Low marsh dominated by *Schoenoplectus acutus* and *S. californicus* and upland transitional zones within 150 feet of the tidal wetland edge were classified separately as secondary habitat because they are used seasonally (Hays and Lidicker 2000). All managed wetlands were excluded from the habitat model.

Construction and restoration associated with Alternative 4 conservation measures would result in effects on modeled Suisun shrew habitat, which would include permanent losses and habitat conversions (i.e., existing habitat converted to greater or lesser valued habitat for the species post-restoration) as indicated in Table 12-4-58. All of the effects on the species would take place over an extended period of time as tidal marsh is restored in the Plan Area. Full implementation of Alternative 4 would also include the following conservation actions over the term of the BDCP to benefit Suisun shrew (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP).

- Restore or create 6,000 acres of tidal brackish emergent wetland in CZ 11 to be consistent with the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (TBEWNC1.1, associated with CM4)
- Within the 6,000 acres of tidal brackish emergent wetland restored or created, distribute 1,500 acres of middle and high marsh (primary Suisun shrew habitat) to contribute to total (existing and restored) acreage targets for each complex as specified in the final Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (TBEWNC1.2, associated with CM4).
- Limit perennial pepperweed to no more than 10% cover in the tidal brackish emergent wetland natural community within the reserve system (TBEWNC2.1).
- Protect or restore grasslands adjacent t restored tidal brackish emergent wetlands to provide at least 200 feet of adjacent grasslands beyond the sea level rise accommodation area, which provides refugia during high tides (GNC1.4, associated with CM3 and CM8).

As explained below, with the restoration and protection of these amounts of habitat, impacts on the Suisun shrew would not be adverse for NEPA purposes and would be less than significant for CEQA purposes under Alternative 4.

Table 12-4-58. Changes in Suisun Shrew Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent		Temporary		Periodic[d]	
		NT	LLT[c]	NT	LLT[c]	CM2	CM5
CM1	(CM1 Outside of species range)	0	0	0	0	NA	NA
Total Impacts CM1		**0**	**0**	**0**	**0**		
CM2–CM18	Primary	58	60	0	0	0	0
	Secondary	47	342	0	0	0	0
Total Impacts CM2–CM18		**105**	**401**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		**105**	**401**	**0**	**0**	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-160: Loss or Conversion of Habitat for and Direct Mortality of Suisun Shrew

BDCP tidal restoration (CM4) would be the only conservation measure resulting in loss of habitat to Suisun shrew. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. Each of these activities is described in detail below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM4 Tidal Natural Communities Restoration* would result in effects on 401 acres of Suisun shrew modeled habitat, which would include 377 acres of permanent losses and 24 acres of habitat conversions. Suisun shrew may be displaced temporarily from areas of converted habitat but would ultimately provide suitable habitat for the species. However, all 24 acres would be converted from secondary to primary habitat and therefore over would be a net benefit to the species. The hypothetical restoration footprints overlap with two CNDDB records for Suisun shrew (California Department of Fish and Wildlife 2013).
- *CM11 Natural Communities Enhancement and Management*: As described in the BDCP, the restoration of at least 6,000 acres of tidal brackish emergent wetland would be managed to provide habitat for covered species, including Suisun shrew. A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance and manage these areas may result in localized ground disturbances that could temporarily remove small amounts of Suisun shrew habitat. The areas of grasslands that would be protected and/or restored within 200 feet of restored tidal marsh would also have

enhancement and management actions that would include invasive species control, nonnative wildlife control, and vegetation management. Ground-disturbing activities, such as removal of nonnative vegetation are expected to have minor effects on habitat and are expected to result in overall improvements to and maintenance of Suisun shrew habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized by the AMMs listed below.

- Injury and Direct Mortality: The use of heavy equipment and handtools may result in injury or mortality to Suisun shrew during restoration, enhancement, and management activities. However, preconstruction surveys, construction monitoring, and other measures would be implemented to avoid and minimize injury or mortality of this species during these activities, as required by the AMM listed below.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

The near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of near-term covered activities would not be adverse under NEPA. The Plan would affect 105 acres of Suisun shrew modeled habitat in the study area in the near-term. These effects include 90 acres of permanent loss and 15 acres of converted habitat, which is all secondary habitat being converted to primary habitat.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland and the protection and/or restoration of grasslands within 200 feet of restored tidal wetlands, of which approximately 150 feet of this area would benefit the species. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of tidal restoration and the commitment to protection of adjacent uplands contained in the near-term Plan goals would keep pace with the loss of habitat and effects on Suisun shrew.

Other factors relevant to effects on Suisun shrew are listed here.

- Restoration would be sequenced and oriented in a manner that minimizes any temporary, initial loss of habitat and habitat fragmentation.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value and quantity, with is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.
- The amount of tidal habitat restored in the near-term (2,000 acres) would greatly exceed the amount permanently lost (105 acres).

Because there would be no project-level effects on Suisun shrew resulting from CM1, the analysis of the effects of conservation actions does not include a comparison with standard ratios used for project-level NEPA analyses.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containment, and Countermeasure Plan, and AMM26 Salt Marsh Harvest Mouse and Suisun Shrew*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–26 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

The study area supports approximately 7,515 acres of Suisun shrew modeled habitat. Alternative 4 as a whole would result in effects on 401 acres of Suisun shrew modeled habitat over the term of the Plan, which would include 377 acres of permanent losses and 24 acres of habitat conversions (roughly 5% of the habitat in the study area).

The Plan contains a commitment to restore or create 6,000 acres of tidal brackish emergent wetland, 1,500 acres of which would target middle and high marsh habitat (primary habitat for Suisun shrew) (Objectives TBEWNC1.1, TBEWNC1.2, SMHM1.1, associated with CM4) and the protection and/or restoration of grassland adjacent to tidal restoration (areas within 200 feet of tidal restoration, of which approximately 150 feet would likely benefit the species) to provide upland refugia for Suisun shrew (Objective GNC1.4, associated with CM3 and CM8). Other factors relevant to effects on Suisun shrew include:

- Restoration would be sequenced and oriented in a manner that minimizes any temporary, initial loss of habitat and habitat fragmentation.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value and quantity, with is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.
- The amount of tidal habitat restored (6,000 acres) greatly exceeds the amount permanently lost and converted (401 acres).

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 6,006 acres and the protection of 232 acres of modeled habitat for Suisun shrew.

NEPA Effects: In the absence of other conservation actions, the effects on Suisun shrew habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, the BDCP has committed to habitat protection, restoration, management, and enhancement with CM3, CM4, CM8, and CM11. This habitat protection, restoration, management, and enhancement would be guided by species-specific goals and objectives and by AMM1–AMM5 and AMM26, which would be in place throughout the construction period. Considering these commitments, losses and conversions of Suisun shrew habitat and potential mortality of individuals under Alternative 4 would not be an adverse effect.

CEQA Conclusion:

Near-Term Timeframe

The near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection and/or restoration in an appropriate timeframe to ensure that the effects of near-term covered activities would be less than significant under CEQA. The Plan would affect 105 acres of Suisun shrew modeled habitat in the study area in the near-term. These effects include 90 acres of permanent loss and 15 acres of converted habitat, which is all secondary habitat being converted to primary habitat.

The BDCP has committed to near-term goals of restoring 2,000 acres of tidal brackish emergent wetland and the protection and/or restoration of grasslands within 200 feet of restored tidal wetlands, of which approximately 150 feet would likely benefit the species. These Plan goals represent performance standards for considering the effectiveness of restoration actions. The acres of tidal restoration and the commitment to protection of adjacent uplands contained in the near-term Plan goals would keep pace with the loss of habitat and effects on Suisun shrew.

Other factors relevant to impacts on Suisun shrew are listed below.

- Restoration would be sequenced and oriented in a manner that minimizes any temporary, initial loss of habitat and habitat fragmentation.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value and quantity, with is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.
- The amount of tidal habitat restored in the near term (2,000 acres) would greatly exceed the amount permanently lost (105 acres).

Because there would be no project-level impacts on Suisun shrew resulting from CM1, the analysis of the impacts of conservation actions does not include a comparison with standard ratios used for project-level CEQA analyses.

The Plan also includes commitments to implement AMM1–AMM5 and AMM26. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–26 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA. No mitigation would be required.

Late Long-Term Timeframe

The study area supports approximately 7,515 acres of Suisun shrew modeled habitat. Alternative 4 as a whole would result in effects on 401 acres of Suisun shrew modeled habitat over the term of the Plan, which would include 377 acres of permanent losses and 24 acres of habitat conversions (roughly 5% of the habitat in the study area). The Plan contains a commitment to restore or create 6,000 acres of tidal brackish emergent wetland, 1,500 acres of which would target middle and high marsh habitat (primary habitat for Suisun shrew) (Objective TBEWNC1.1, TBEWNC1.2, SMHM1.1, associated with CM4) and the protection and/or restoration of grassland adjacent to tidal restoration (areas within 200 feet of tidal restoration, of which approximately 150 feet would likely benefit the species) to provide upland refugia for Suisun shrew (Objective GNC1.4, associated with CM3 and CM8). Other factors relevant to effects on Suisun shrew include:

- Restoration would be sequenced and oriented in a manner that minimizes any temporary, initial loss of habitat and habitat fragmentation.
- The habitat that would be restored and protected would consist of large blocks of contiguous tidal brackish emergent wetland that has a large proportion of pickleweed-dominated vegetation suitable for the species. This would provide greater habitat connectivity and greater habitat value and quantity, with is expected to accommodate larger populations and to therefore increase population resilience to random environmental events and climate change.
- The amount of tidal habitat restored (6,000 acres) greatly exceeds the amount permanently lost and converted (401 acres).

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above could result in the restoration of 6,006 acres and the protection of 232 acres of modeled habitat for Suisun shrew.

Alternative 4 would result in substantial modifications to Suisun shrew habitat in the absence of other conservation actions. However, with habitat protection, restoration, management, and enhancement associated with CM3, CM4, CM8, and CM11, guided by species-specific goals and objectives and by AMM1–AMM5 and AMM26, which would be in place throughout the construction period, Alternative 4 over the term of the BDCP would not result in a substantial adverse effect through habitat modifications and would not substantially reduce the number or restrict the range of the species. Therefore, the alternative would have a less-than-significant impact on Suisun shrew. No mitigation would be required.

Impact BIO-161: Indirect Effects of Plan Implementation on Suisun Shrew

Construction/disturbance activities associated tidal restoration (CM4), grassland restoration (CM8), and management and enhancement activities (CM11) could result in temporary noise and visual disturbances to Suisun shrew occurring within 100 feet of these areas over the term of the BDCP. These potential effects would be minimized or avoided through AMM1–AMM5, and AMM26, which would be in effect throughout the term of the Plan.

The use of mechanical equipment during the implementation of the conservation measures could cause the accidental release of petroleum or other contaminants that could affect Suisun shrew and its habitat. The inadvertent discharge of sediment could also have a negative effect on the species and its habitat. AMM1–AMM5 would minimize the likelihood of such spills and would ensure measures are in place to prevent runoff from the construction area and potential effects of sediment on Suisun shrew.

Tidal marsh restoration has the potential to increase Suisun shrew's exposure to mercury. Mercury is transformed into the more bioavailable form of methylmercury under anaerobic conditions, which in the environment typically occurs in sediments subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury. In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). High and mid tidal marsh is considered to be primary habitat for Suisun shrew and thus the species could be exposed to methylmercury in tidal restoration areas. Suisun shrew could be exposed to methylmercury by feeding on marsh invertebrates that may bioaccumulate methylmercury from marsh sediments. Toxic concentrations of methylmercury have been found in the kidneys of shrews that inhabit contaminated sites and forage on earthworms and other prey that live within contaminated sediments (Talmage and Walton 1993; Hinton and Veiga 2002).

The Suisun Marsh Plan (Bureau of Reclamation et al. 2010) anticipates that tidal wetlands restored under the plan would generate less methylmercury than the existing managed wetlands. The potential for Suisun shrew exposure to methyl mercury in Suisun Marsh may decrease in the long term because the creation of tidal brackish emergent wetland would predominantly result from the conversion of managed wetlands. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) includes provisions for project-specific Mercury Management Plans. Along with avoidance and minimization measures and adaptive management and monitoring, CM12 could reduce the effects of methylmercury on Suisun shrew resulting from BDCP tidal restoration.

NEPA Effects: Implementation of the AMMs listed above as part of implementing Alternative 4 would avoid and minimize the potential for substantial adverse effects on Suisun shrew, either indirectly or through habitat modifications. These AMMs would also avoid and minimize effects that could substantially reduce the number of Suisun shrew, or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on Suisun shrew.

CEQA Conclusion: Indirect effects from construction-related noise and visual disturbances could impact Suisun shrew within 100 feet of these disturbances. The use of mechanical equipment during construction could cause the accidental release of petroleum or other contaminants that could impact Suisun shrew and its habitat. The inadvertent discharge of sediment adjacent to Suisun shrew habitat could also impact the species. With implementation of AMM1–AMM5, and AMM26 as part of Alternative 4 construction, operation and maintenance, the BDCP would avoid the potential for substantial adverse effects on Suisun shrew, either indirectly or through habitat modifications, in that the BDCP would not result in a substantial reduction in numbers or a restriction in the range of Suisun shrew. The indirect effects of BDCP Alternative 4 would have a less-than-significant impact on Suisun shrew.

Suisun shrew could experience indirect effects from increased exposure to methylmercury as a result of tidal habitat restoration (CM4). With implementation of CM12, the potential indirect effects of methlymercury would not result in a substantial reduction in numbers or a restriction in the range of Suisun shrew, and, therefore, would have a less-than significant impact on the species. No mitigation would be required.

San Joaquin Kit Fox and American Badger

Within the study area, the modeled habitat for the San Joaquin kit fox and potential habitat for the American badger is restricted to 5,327 acres of grassland habitat west of Clifton Court Forebay along the study area's southwestern edge, in CZ 7–CZ 10. The study area represents the extreme northeastern corner of the San Joaquin kit fox's~~species'~~ range in California, which extends westward and southward from the study area border. The northern range of the San Joaquin kit fox (including the study area) was most likely marginal habitat historically and has been further degraded due to development pressures, habitat loss, and fragmentation (Clark et al. 2007). CNDDB ((California Department of Fish and Wildlife 2013) reports twelve occurrences of San Joaquin kit foxes along the extreme western edge of the Plan Area within CZ 8, south of Brentwood (Figure 12-49). However, Clark et al. (2007) provide evidence that a number of CNDDB occurrences in the northern portion of the species' range may be coyote pups misidentified as San Joaquin kit foxes. Smith et al. (2006) suggest that the northern range may possibly be a population sink for the San Joaquin kit fox. There are five American badger records in the study area (California Department of Fish and Wildlife 2013). Two are from 1938 and no longer extant. The remaining three are all located in CZ 8, west of Clifton Court Forebay.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of San Joaquin kit and American badger habitat (Table 12-4-59). Grassland restoration, and protection and management of natural communities could affect modeled San Joaquin San Joaquin kit fox habitat and potential American badger habitat. Full implementation of Alternative 4 would also include biological objectives over the term of the BDCP to benefit the San Joaquin kit fox which would also benefit American badger which uses similar habitat (~~BDCP~~ see Chapter 3, *Conservation Strategy*, of the Draft BDCP). The conservation strategy for the San Joaquin kit fox involves protecting and enhancing habitat in the northern extent of the species' range to increase the likelihood that San Joaquin kit fox may reside and breed in the Plan Area; and providing connectivity to habitat outside the Plan Area. The conservation measures that would be implemented to achieve the biological goals and objectives are summarized below.

- Protect and improve habitat linkages that allow terrestrial covered and other native species to move between protected habitats within and adjacent to the Plan Area (Objective L3.1, associated with CM3–CM8, and CM11).
- Protect 150 acres of alkali seasonal wetland in CZ 1, CZ 8, and/or CZ 11 among a mosaic of protected grasslands and vernal pool complex (Objective ASWNC1.1, associated with CM3).
- Restore or create alkali seasonal wetlands in CZ 1, CZ 8, and/or CZ 11 (up to 72 acres of alkali seasonal wetland complex restoration) (Objective ASWNC1.2, associated with CM3 and CM9).
- Protect 600 acres of existing vernal pool complex in CZ 1, CZ 8, and/or CZ 11, primarily in core vernal pool recovery areas identified in the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (U.S. Fish and Wildlife Service 2005) (Objective VPNC1.1, associated with CM3).
- Restore vernal pool complex CZ 1, CZ 8, and/or CZ 11 to achieve no net loss of vernal pool acreage (up to 67 acres of vernal pool complex restoration) (Objective VPNC1.2, associated with CM3 and CM9).
- Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
- Restore 2,000 acres of grasslands to connect fragmented patches of protected grassland (Objective GNC1.2, associated with CM3 and CM8).
- Increase burrow availability for burrow-dependent species in grasslands surrounding alkali seasonal wetlands within restored and protected alkali seasonal wetland complex (Objective ASWNC2.3, associated with CM11).
- Increase prey, especially small mammals and insects, for grassland-foraging species in grasslands surrounding alkali seasonal wetlands within restored and protected alkali seasonal wetland complex (Objective ASWNC2.4, associated with CM11).

- Increase burrow availability for burrow-dependent species in grasslands surrounding vernal pools within restored and protected vernal pool complex (Objective VPNC2.4, associated with CM11).
- Increase prey, especially small mammals and insects, for grassland-foraging species in grasslands surrounding vernal pools within restored and protected vernal pool complex (Objective VPNC2.5, associated with CM11).
- Increase burrow availability for burrow-dependent species (Objective GNC2.3, associated with CM11).
- Increase prey abundance and accessibility, especially small mammals and insects, for grassland-foraging species (Objective GNC2.4, associated with CM11).

As explained below, with the restoration and protection of these amounts of habitat, in addition to the AMMs to reduce potential effects, impacts on San Joaquin kit fox and American badger would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-59. Changes in San Joaquin Kit Fox Modeled Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	Grassland	~~207~~267	267~~207~~	~~103~~56	56~~103~~	NA	NA
Total Impacts CM1		267~~**207**~~	267~~**207**~~	56~~**103**~~	56~~**103**~~	**NA**	**NA**
CM2–CM18	Grassland	3	8	0	0	0	0
Total Impacts CM2–CM18		**3**	**8**	**0**	**0**	**0**	**0**
TOTAL IMPACTS		~~**210**~~**270**	~~**215**~~**275**	56~~**103**~~	56~~**103**~~	**0**	**0**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.
[b] See discussion below for a description of applicable CMs.
[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.
[d] Periodic effects were estimated for the late long-term only.
NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-162: Loss or Conversion of Habitat for and Direct Mortality of San Joaquin Kit Fox and American Badger

Alternative 4 conservation measures would result in the permanent and temporary loss combined of ~~318~~ 331 acres of modeled habitat for the San Joaquin kit fox (Table 12-4-59). Because American badger uses grasslands for denning and foraging and may occupy the same range as the San Joaquin kit fox in the project area, ~~shares the same geographic locations as the San Joaquin kit fox,~~ effects are anticipated to be the same as those described for San Joaquin kit fox. ~~There are 3 San Joaquin kit fox and no American badger occurrences that overlap with the Plan footprint.~~ Construction of Alternative 4 water conveyance facilities (CM1) and recreation facilities (CM11) would remove habitat. Habitat enhancement and management activities (CM11) could result in local adverse effects on species. In addition, construction vehicle activity could cause injury or mortality of San Joaquin kit foxes and badgers. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA effects and a CEQA conclusion follow the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of the conveyance facilities would result in the permanent loss of approximately ~~207~~ 267 acres and the temporary loss of ~~103~~ 56 acres of modeled San Joaquin kit fox and American badger habitat. This habitat is located in areas of naturalized grassland in a highly disturbed or modified setting on lands immediately adjacent to Clifton Court Forebay, in CZ 8. There are 3 San Joaquin kit fox and no American badger occurrences that overlap with the CM1 footprint.

- *CM11 Natural Communities Enhancement and Managemen*t: The creation of recreational trails and recreational staging areas would result in the permanent removal of 8 acres of San Joaquin kit fox modeled habitat and American badger potential habitat. *AMM24 San Joaquin Kit Fox,* would be implemented to ensure that San Joaquin kit fox dens are avoided, as described in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft ~~BDCP~~ BDCP~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~. Mitigation Measure BIO-162*: Conduct Preconstruction Survey for American Badger* would be implemented to ensure that American badger dens are avoided.

  Passive recreation in the reserve system could result in disturbance of San Joaquin kit foxes and American badgers at their den site. Natal and pupping dens would be particularly vulnerable to human disturbance. Additionally, disease could be transmitted from domestic dogs that enter the reserve system with recreational users. However, *AMM37 Recreation* and Mitigation Measure BIO-162 would prohibit construction of new trails within 250 feet of active San Joaquin kit fox and American badger dens. Existing trails would be closed within 250 feet of active natal/pupping dens until young have vacated, and within 50 feet of other active dens. No dogs would be allowed on reserve units with active San Joaquin kit fox and American badger populations. Rodent control would be prohibited even on grazed or equestrian access areas with San Joaquin kit fox or American badger populations. AMM37 measures to protect San Joaquin kit fox would also benefit American badger if present. With these restrictions, recreation-related effects on San Joaquin kit fox and American badger are expected to be minimal.

  The BDCP would require the enhancement and management of these protected existing grasslands and restored grasslands to improve their function as a natural community of plants and wildlife and for associated covered species, including San Joaquin kit fox and American badger. The BDCP also includes actions to improve rodent prey availability.

  However, management activities could result in injury or mortality of San Joaquin kit fox or American badger if individuals were present in work sites or if dens were located in the vicinity of habitat management work sites. A variety of habitat management actions included in *CM11* that are designed to enhance wildlife values on protected lands may result in localized ground disturbances that could temporarily remove small amounts of San Joaquin kit fox and American badger habitat near Clifton Court Forebay, in CZ 8. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, are expected to have minor effects on available habitat and are expected to result in overall improvements to and maintenance of San Joaquin kit fox and badger habitat values over the term of the BDCP. These effects cannot be quantified, but are expected to be minimal and would be avoided and minimized through the AMMs and Mitigation Measure listed below. These AMMs and Mitigation Measure would remain in effect throughout the BDCP's construction phase.

- Operations and maintenance: Ongoing maintenance of BDCP facilities would be expected to have little if any adverse effect on San Joaquin kit fox or American badger. Postconstruction operations and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect either species' use of the surrounding habitat near Clifton Court Forebay, in CZ 8. Maintenance activities would include vegetation management, levee and structure repair, and regrading of roads and permanent work areas. These effects, however, would be minimized with implementation of AMM1–AMM6, AMM10, and AMM24 and with preconstruction surveys for the American badger, as required by Mitigation Measure BIO-162, *Conduct Preconstruction Survey for American Badger*.
- Injury and direct mortality: Construction vehicle activity may cause injury to or mortality of either species. If San Joaquin kit fox or American badger reside where activities take place (most likely in the vicinity of Clifton Court Forebay, in CZ 8), the operation of equipment for land clearing, construction, operations and maintenance, and restoration, enhancement, and management activities could result in injury to or mortality of either species. Measures would be implemented to avoid and minimize injury to or mortality of these species as described in AMM1–AMM6, AMM10, AMM24, and AMM37 (see Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~) and Mitigation Measure BIO-162.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and a CEQA conclusion are also included.

Near-Term Timeframe

Because water conveyance facilities construction is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would not be adverse under NEPA.

Under Alternative 4 there would be a loss of ~~313~~ 326 acres of San Joaquin kit fox modeled habitat and American badger habitat from CM1 (~~310~~ 323 acres) and CM11 (3 acres).

Typical NEPA project-level mitigation ratio for the natural community that would be affected and that is identified in the biological goals and objectives for San Joaquin kit fox in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 2:1 for protection of grassland. Using this ratio would indicate that ~~626~~ 652 acres of grassland should be protected for San Joaquin kit fox to mitigate near-term losses.

The BDCP has committed to near-term restoration of 58 acres of alkali seasonal wetland (Objective ASWNC1.2), 40 acres of vernal pool complex (Objective VPNC1.2), and 1,140 acres of grassland (Objective GNC1.2). In addition, there would be near-term protection of 120 acres of alkali seasonal wetland (Objective ASWNC1.1), 400 acres of vernal pool complex (Objective VPNC1.1), and 2,000 acres of grassland (Objective GNC1.1). The natural community restoration and protection activities are expected to be concluded during the first 10 years of Plan implementation, which is close enough in time to the occurrence of impacts to constitute adequate mitigation for NEPA purposes. These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be not be adverse under NEPA, because the number of acres required to meet the typical ratios described above would be only ~~626~~ 652 acres of grassland protected.

In the absence of other conservation actions, the effects on San Joaquin kit fox and American badger habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. However, the effects of Alternative 4 would not be adverse with habitat protection, restoration, management, and enhancement in addition to implementation of *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, *AMM10 Restoration of Temporarily Affected Natural Communities*, *AMM24 San Joaquin Kit Fox*, and *AMM37 Recreation.* AMMs contain elements that avoid or minimize the risk of construction activity affecting habitat and species adjacent to work areas. Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~ describes the AMMs in detail. Remaining effects would be addressed by implementation of Mitigation Measure BIO-162.

Late Long-Term Timeframe

There are 5,327 acres of modeled San Joaquin kit fox habitat in the study area. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~318~~ 331 acres of modeled habitat for San Joaquin kit fox and potential habitat for American badger, representing 6% of the modeled habitat.

With full implementation of Alternative 4, at least 1,000 acres of grassland would be protected in CZ 8, where the San Joaquin kit fox and American badger is most likely to occur if present in the study area. Additionally, a portion of the 2,000 acres of grassland restoration would likely occur in CZ 8. Assuming the restored grasslands would provide suitable San Joaquin kit fox habitat proportional to the amount of modeled habitat in this natural community in the Plan Area (6.8% of the grasslands in the Plan Area consist of modeled San Joaquin kit fox habitat), an estimated 132 acres of restored grasslands would be suitable for ~~the~~ both species.

Because San Joaquin kit fox home ranges are large (varying from approximately 1 to 12 square miles; see ~~BDCP~~ Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP), habitat connectivity is key to the conservation of the species. Grasslands would be acquired for protection in locations that provide connectivity to existing protected breeding habitats in CZ 8 (Objective L3.1)and to other adjoining San Joaquin kit fox habitat within and adjacent to the Plan Area. Connectivity to occupied habitat adjacent to the Plan Area would help ensure the movement of San Joaquin kit foxes and American badger, if present, to larger habitat patches outside of the Plan Area in Contra Costa County. Grassland protection would focus in particular on acquiring the largest remaining contiguous patches of unprotected grassland habitat, which are located south of SR 4 in CZ 8 (~~BDCP~~ see Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP). This area connects to more than 620 acres of existing habitat that was protected under the East Contra Costa County HCP/NCCP.

Grasslands in CZ 8 would also be managed and enhanced to increase prey availability and to increase mammal burrows, which could benefit the San Joaquin kit fox and American badger by increasing potential den sites, which are a limiting factor for the San Joaquin kit fox in the northern portion of its range (Objectives ASWNC2.3, ASWNC2.4, VPNC2.4, Objective VPNC2.5, Objective GNC2.3, Objective GNC2.4). These management and enhancement actions are expected to benefit the San Joaquin kit fox as well as the American badger by increasing the habitat value of the protected and restoration grasslands.

CZ 8 supports 74% of the modeled San Joaquin kit fox grassland habitat in the study area, and the remainder of habitat consists of fragmented, isolated patches that are unlikely to support this species. The BDCP's commitment to protect the largest remaining contiguous habitat patches (including grasslands and the grassland component of alkali seasonal wetland and vernal pool complexes) in CZ 8 and to maintain connectivity with the remainder of the satellite population in Contra Costa County would sufficiently offset the impacts resulting from water conveyance facilities construction.

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of grassland and vernal pool that could overlap with the species model, would result in the restoration of 131 acres of modeled habitat for San Joaquin kit fox. In addition, protection of grassland and vernal pool complex could overlap with the species model and would result in the protection of 1,011 acres of modeled habitat for San Joaquin kit fox. These restoration and protection actions would also benefit the American badger.

NEPA Effects: In the absence of other conservation actions, the effects on San Joaquin kit fox and American badger habitat from Alternative 4 would represent an adverse effect as a result of habitat modification and potential direct mortality of special-status species. However, with habitat protection, restoration, management, and enhancement associated with CM3, CM8, and CM11 and guided by AMM1–AMM6, AMM10, AMM24~~5~~, and AMM37, which would be in place ~~throughout the construction period~~during all project activities, and with implementation of Mitigation Measure BIO-162, the effects of Alternative 4 as a whole on San Joaquin kit fox and American badger would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because water conveyance facilities construction (CM1) is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would be less than significant for CEQA purposes.

Under Alternative 4 there would be a loss of ~~313~~ 326 acres of San Joaquin kit fox modeled habitat and American badger habitat from CM1 (~~310~~ 323 acres) and CM11 (3 acres).Typical CEQA project-level mitigation ratio for the natural community that would be affected and that is identified in the biological goals and objectives for San Joaquin kit fox in Chapter 3, *Conservation Strategy*, of the Draft BDCP would be 2:1 for protection of grassland. Using this ratio would indicate that ~~626~~ 652 acres of grassland should be protected for San Joaquin kit fox and American badger to mitigate near-term losses.

The BDCP has committed to near-term restoration of 58 acres of alkali seasonal wetland (Objective ASWNC1.2), 40 acres of vernal pool complex (Objective VPNC1.2), and 1,140 acres of grassland (Objective GNC1.2). In addition, there would be near-term protection of 120 acres of alkali seasonal wetland (Objective ASWNC1.1), 400 acres of vernal pool complex (Objective VPNC1.1), and 2,000 acres of grassland (Objective GNC1.1).

These conservation actions would occur in the same timeframe as the construction losses, thereby avoiding ~~adverse effects~~significant impacts of habitat loss on San Joaquin kit fox and American badger. These Plan objectives represent performance standards for considering the effectiveness of CM3 protection and restoration actions. The acres of restoration and protection contained in the near-term Plan goals and the additional detail in the biological objectives for San Joaquin kit fox and the mitigation measure for American badger satisfy the typical mitigation that would be applied to the project-level effects of CM1, as well as mitigate the near-term effects of the other conservation measures.

In the absence of other conservation actions, the effects on San Joaquin kit fox and American badger habitat from Alternative 4 ~~Alternative 4A~~ would represent a significant impact as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection, restoration, management, and enhancement associated with CM3, CM8, and CM11, and guided by AMM1–AMM6, AMM10, AMM24, and AMM37, which would be in place ~~throughout the time period of construction~~during all project activities, and with implementation of Mitigation Measure BIO-162, the impact of Alternative 4~~Alternative 4A~~ as a whole on San Joaquin kit fox and American badger would be less than significant.

~~The BDCP also contains commitments to implement AMM1–AMM6, AMM10, and AMM24, which include elements that avoid or minimize the risk of construction activity impacting habitat and species adjacent to work areas. Remaining effects would be addressed by implementation of Mitigation Measure BIO-162. The AMMs are described in detail in BDCP Appendix 3.C, *Avoidance and Minimization Measures*.~~

~~These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4~~Alternative 4A ~~on San Joaquin kit fox and American badger would be less than significant under CEQA, because the number of acres required to meet the typical ratios described above would be only 626~~ 652 ~~acres of grassland protected.~~

Late Long-Term Timeframe

There are 5,327 acres of modeled San Joaquin kit fox habitat in the study area. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~318~~ 331 acres of modeled habitat for San Joaquin kit fox and potential habitat for American badger.

With full implementation of Alternative 4, at least 1,000 acres of grassland would be protected in CZ 8, where the San Joaquin kit fox and American badger is most likely to occur if present in the study area. Additionally, a portion of the 2,000 acres of grassland restoration would likely occur in CZ 8. Assuming the restored grasslands would provide suitable San Joaquin kit fox habitat proportional to the amount of modeled habitat in this natural community in the Plan Area an estimated 132 acres of restored grasslands would be suitable for the species.

Because San Joaquin kit fox home ranges are large (varying from approximately 1 to 12 square miles; see ~~BDCP~~ Appendix 2.A, *Covered Species Accounts*, of the Draft BDCP), habitat connectivity is key to the conservation of the species. Grasslands would be acquired for protection in locations that provide connectivity to existing protected breeding habitats in CZ 8 (Objective L3.1) and to other adjoining San Joaquin kit fox habitat and American badger within and adjacent to the Plan Area. Connectivity to occupied habitat adjacent to the Plan Area would help ensure the movement of San Joaquin kit foxes and American badger, if present, to larger habitat patches outside of the Plan Area in Contra Costa County. Grassland protection would focus in particular on acquiring the largest remaining contiguous patches of unprotected grassland habitat, which are located south of SR 4 in CZ 8 (~~BDCP~~ see Appendix 2.A of the Draft BDCP). This area connects to more than 620 acres of existing habitat that was protected under the East Contra Costa County HCP/NCCP.

Grasslands in CZ 8 would also be managed and enhanced to increase prey availability and to increase mammal burrows, which could benefit the San Joaquin kit fox and American badger by increasing potential den sites, which are a limiting factor for the San Joaquin kit fox in the northern portion of its range (Objectives ASWNC2.3, ASWNC2.4, VPNC2.4, Objective VPNC2.5, Objective GNC2.3, Objective GNC2.4). These management and enhancement actions are expected to benefit the San Joaquin kit fox as well as the American badger by increasing the habitat value of the protected and restoration grasslands.

CZ 8 supports 74% of the modeled San Joaquin kit fox grassland habitat in the study area, and the remainder of habitat consists of fragmented, isolated patches that are unlikely to support this species. The BDCP's commitment to protect the largest remaining contiguous habitat patches (including grasslands and

The BDCP's beneficial effects analysis (~~BDCP~~ Chapter 5, Section 5.6, *Effects on Covered Wildlife and Plant Species*, of the Draft BDCP) estimates that the restoration and protection actions discussed above, as well as the restoration of grassland and vernal pool that could overlap with the species model, would result in the restoration of 131 acres of modeled habitat for San Joaquin kit fox. In addition, protection of grassland and vernal pool complex could overlap with the species model and would result in the protection of 1,011 acres of modeled habitat for San Joaquin kit fox. These restoration and protection actions would also benefit the American badger.

In the absence of other conservation actions, the effects on San Joaquin kit fox and American badger habitat from Alternative 4 would represent a significant impact as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection, restoration, management, and enhancement associated with CM3, CM8, and CM11, and guided by AMM1–AMM6, AMM10, AMM24, and AMM37, which would be in place ~~throughout the time period of construction~~during all project activities, and with implementation of Mitigation Measure BIO-162, the impact of Alternative 4 as a whole on San Joaquin kit fox and American badger would be less than significant.

Mitigation Measure BIO-162: Conduct Preconstruction Survey for American Badger

A qualified biologist provided by DWR will survey for American badger concurrent with the preconstruction survey for San Joaquin kit fox and burrowing owl. If badgers are detected, the biologist will passively relocate badgers out of the work area prior to construction if feasible. If an active den is detected within the work area, DWR will establish a suitable buffer distance and avoid the den until the qualified biologist determines the den is no longer active. Dens that are determined to be inactive by the qualified biologist will be collapsed by hand to prevent occupation of the den between the time of the survey and construction activities. In addition, the construction of new trails within 50 feet of active American badger dens would be prohibited. Existing trails would be closed within 250 feet of active natal/pupping dens until young have vacated, and within 50 feet of other active dens. No dogs would be allowed on reserve units with active American badger populations. Rodent control would be prohibited on areas with American badger populations to ensure rodent prey availability.

Impact BIO-163: Indirect Effects of Plan Implementation on San Joaquin Kit Fox and American Badger

Noise and visual disturbances outside the project footprint but within 250 feet of construction activities could temporarily affect modeled San Joaquin kit fox habitat and potential American badger. Water conveyance facilities operations and maintenance activities would include vegetation and weed control, ~~ground squirrel~~rodent control, canal maintenance, infrastructure and road maintenance, levee maintenance, and maintenance and upgrade of electrical systems. Because operations and maintenance are covered activities rodent control would be prohibited in areas with San Joaquin kit fox or American badger populations to ensure rodent prey availability. While maintenance activities are not expected to remove San Joaquin kit fox and badger habitat, operation of equipment could disturb small areas of vegetation around maintained structures and could result in injury or mortality of individual foxes and badgers, if present. Given the remote likelihood of active San Joaquin kit fox or badger dens in the vicinity of the conveyance facility, the potential for this effect is small and would further be minimized with the implementation of seasonal no-disturbance buffers around occupied dens, if any, and other measures as described in AMM1–AMM6, AMM10, AMM24, AMM37, and Mitigation Measure BIO-162.

NEPA Effects: Implementation of the AMMs listed above Alternative 4 and Mitigation Measure BIO-162 *Conduct Preconstruction Survey for American Badger*, would avoid the potential for substantial adverse effects on San Joaquin kit fox or American badger, either indirectly or through habitat modifications. These measures would also avoid and minimize effects that could substantially reduce the number of San Joaquin kit fox or American badger, or restrict either species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on San Joaquin kit fox or American badger.

CEQA Conclusion: Indirect effects from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact San Joaquin kit fox and American badger. With implementation of AMM1–AMM6, AMM10, AMM24, and AMM37 as part of Alternative 4 construction, operation, and maintenance, the BDCP would avoid the potential for significant ~~adverse effects~~impacts on either species, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of either species; therefore, this impact would be less than significant. In addition, Mitigation Measure BIO-162, as described above, would further reduce the ~~impact of~~potential for indirect effects of Alternative 4 on American badger~~ to a less-than-significant level~~.

Mitigation Measure BIO-162: Conduct Preconstruction Survey for American Badger

Please see Mitigation Measure BIO-162 under Impact BIO-162.

San Joaquin Pocket Mouse

Habitat for San Joaquin pocket mouse consists of the grassland natural community throughout the Plan Area. The species requires friable soils for burrowing. Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of San Joaquin pocket mouse habitat as indicated in Table 12-4-60. Full implementation of Alternative

4 would also include the following conservation actions over the term of the BDCP that would likely benefit San Joaquin pocket mouse.

- Protect 8,000 acres of grasslands (GNC1.1, associated with CM3).
- Restore 2,000 acres of grasslands to connect fragmented patches of protected grasslands (GNC1.2, associated with CM8).
- Restore and sustain a mosaic of grassland vegetation alliances, reflecting localized water availability, soil chemistry, soil texture, topography, and disturbance regimes, with consideration of historical states (GNC2.1).

As explained below, with the restoration or protection of these amounts of habitat, Alternative 4's impacts on San Joaquin pocket mouse would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-60. Changes in San Joaquin Pocket Mouse Habitat Associated with Alternative 4 (acres)[a]

Conservation Measure[b]	Habitat Type	Permanent NT	Permanent LLT	Temporary NT	Temporary LLT	Periodic[d] CM2	Periodic[d] CM5
CM1	Grassland	~~460~~506	~~460~~506	~~158~~151	~~158~~151	NA	NA
Total Impacts CM1		**~~460~~506**	**~~460~~506**	**~~158~~151**	**~~158~~151**	**NA**	**NA**
CM2–CM18	Grassland	889	2,057	239	273	385–1,277	514
Total Impacts CM2–CM18		**889**	**2,057**	**239**	**273**	**385–1,277**	**514**
TOTAL IMPACTS		**~~1,349~~1,395**	**~~2,517~~2,563**	**~~397~~390**	**~~431~~424**	**385–1,277**	**514**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[d] Periodic effects were estimated for the late long-term only. Yolo periodic impacts are presented as a range based on different flow regimes at the proposed notch in Fremont Weir.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-164: Loss or Conversion of Habitat for and Direct Mortality of San Joaquin Pocket Mouse

Alternative 4 conservation measures would result in the combined permanent and temporary loss of up to ~~2,948~~2,987 acres of habitat for San Joaquin pocket mouse, of which ~~2,517~~ 2,563acres would be a permanent loss and ~~431~~ 424 acres would be a temporary loss of habitat (Table 12-4-60).

Conservation measures that would result in these losses are conveyance facilities and transmission line construction, and establishment and use of borrow and spoil areas (CM1), *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM7 Riparian Natural Community Restoration*, *CM9 Vernal Pool Natural Community and Alkali Seasonal Wetland Complex Restoration*, *CM11 Natural Community Enhancement and Management*, and *CM18 Conservation Hatcheries*. The majority of habitat loss would result from CM4. Habitat enhancement and management activities (CM11), which include ground disturbance or removal of nonnative vegetation, could result in local adverse habitat effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could degrade or eliminate San Joaquin pocket mouse habitat. Each of these individual activities is described below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the combined permanent and temporary loss of up to ~~618~~ 657 acres of potential San Joaquin pocket mouse habitat (~~460~~ 506 acres of permanent loss, ~~158~~ 151 acres of temporary loss) in CZ 3–CZ 6 and CZ 8. The majority of grassland that would be removed would be in CZ 8, from the modifications to Clifton Court Forebay. Refer to the Terrestrial Biology Map ~~B~~book in Appendix A of this RDEIR/SDEIS for a detailed view of Alternative 4 construction locations. Construction of the forebay would affect the area where there is a record of San Joaquin pocket mouse (California Department of Fish and Game 2012).

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo bypass fisheries enhancement (CM2) would permanently remove 388 acres of potential San Joaquin pocket mouse habitat in the Yolo Bypass in CZ 2. In addition, 239 acres would be temporarily removed. Most of the grassland losses would occur at the north end of the bypass below Fremont Weir, along the Toe Drain/Tule Canal, and along the west side channels.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would permanently remove an estimated 1,122 acres of potential San Joaquin pocket mouse habitat. The majority of the losses would likely occur in the vicinity of Cache Slough, on Decker Island in the West Delta ROA, on the upslope fringes of Suisun Marsh, and along narrow bands adjacent to waterways in the South Delta ROA. Tidal restoration would directly impact and fragment remaining grassland just north of Rio Vista in and around French and Prospect Islands, and in an area south of Rio Vista around Threemile Slough.

- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of setback levees to restore seasonally inundated floodplain would permanently and temporarily remove approximately 85 acres of San Joaquin pocket mouse habitat (51 permanent, 34 temporary). These losses would be expected to occur along the San Joaquin River and other major waterways in CZ 7.

- *CM7 Riparian Natural Community Restoration*: Riparian restoration would impact 410 acres of grasslands, primarily in CZ 7, as part of tidal natural communities restoration (11 acres) and seasonal floodplain restoration (399 acres).

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: Up to 10 acres of grassland would be permanently converted to vernal pool complex. The vernal pool and alkali seasonal wetland restoration would leave intact the grasslands surrounding the vernal pools. Temporary construction-related disturbance of grassland habitat would result from implementation of *CM9* in CZ 1, CZ 8, and CZ 11. However, all areas would be restored to their original or higher value habitat after the construction periods.

- *CM11 Natural Communities Enhancement and Management:* The creation of recreational trails and recreational staging areas would result in the permanent removal of 50 acres of grassland. The protection of 8,000 acres of grassland for covered species is expected to benefit San Joaquin pocket mouse by protecting existing habitats from potential loss or degradation that otherwise could occur with future changes in existing land use. Habitat management and enhancement-related activities could cause disturbance or direct mortality to San Joaquin pocket mouse if they are present near work areas.

  A variety of habitat management actions included in *CM11 Natural Communities Enhancement and Management* that are designed to enhance wildlife values in restored or protected habitats could result in localized ground disturbances that could temporarily remove small amounts of San Joaquin pocket mouse habitat. Ground-disturbing activities, such as removal of nonnative vegetation and road and other infrastructure maintenance activities, would be expected to have minor adverse effects on habitat and would be expected to result in overall improvements to and maintenance of habitat values over the term of the BDCP. Noise and visual disturbance from management-related equipment operation could temporarily displace individuals or alter the behavior of the species if adjacent to work areas. With full implementation Alternative 4, enhancement and management actions designed for western burrowing owl would also be expected to benefit San Joaquin pocket mouse. San Joaquin pocket mouse would benefit particularly from protection of grassland habitat against potential loss or degradation that otherwise could occur with future changes in existing land use.

- *CM18 Conservation Hatcheries*: Implementation of CM18 would remove up to 35 acres of San Joaquin pocket mouse habitat.

- Operations and Maintenance: Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect San Joaquin pocket mouse use of the surrounding habitat. Maintenance activities would include vegetation management, levee and structure repair, and re-grading of roads and permanent work areas. These effects, however, would be reduced by AMMs and conservation actions as described below.

- Injury and Direct Mortality: Construction could result in direct mortality of San Joaquin pocket mouse if present in construction areas.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA and CEQA impact conclusions are also included.

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the effects of construction would not be adverse under NEPA. The Plan would remove ~~1,746~~1,785 acres of San Joaquin pocket mouse habitat (~~1,349~~1,395 permanent, ~~397~~ 390 temporary) in the study area in the near-term. One record of San Joaquin pocket mouse near Clifton Court forebay could be affected by the construction of the new forebay. These effects would result from the construction of the water conveyance facilities (CM1, ~~618~~ 657 acres), and implementing other conservation measures (Yolo Bypass Fisheries Enhancement [CM2] Tidal Natural Communities Restoration [CM4], Seasonally Inundated Floodplain Restoration [CM5], Riparian Natural Community Restoration (CM7), Vernal

Pool and Alkali Seasonal Wetland Complex Restoration [CM9], Natural Community Enhancement and Management – Recreation Facilities (CM11), and Conservation Hatcheries [CM18] 1,128 acres).

Typical NEPA project-level mitigation ratios for those natural communities affected by CM1 would be 2:1 protection of grassland habitat. Using these typical ratios would indicate that ~~1,236~~1,314 acres of grassland natural communities should be protected to mitigate the CM1 losses of ~~618~~ 657acres of San Joaquin pocket mouse habitat. The near-term effects of other conservation actions would remove 1,128 acres of modeled habitat, and therefore require 2,256 acres of protection of San Joaquin pocket mouse habitat using the same typical NEPA ratios (2:1 for protection).

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community in CZ 1, 2, 4, 5, 7, 8, and 11. The protection and restoration of grasslands, would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand habitat for San Joaquin pocket mouse and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, San Joaquin pocket mouse would likely benefit from the management of the grasslands for general wildlife benefit.

These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions for the species. The acres of protection and restoration contained in the near-term Plan goals would satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 especially considering that a large portion of the impacts to grasslands consists of thin strips of grassland along levees and that areas of grassland protection and restoration would be in large contiguous blocks.

The Plan also includes commitments to implement *AMM1 Worker Awareness Training, AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan, AMM4 Erosion and Sediment Control Plan, AMM5 Spill Prevention, Containments and Countermeasure Plan, and AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM10 Restoration of Temporarily Affected Natural Communities*. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and RTM storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 78,047 acres of potential habitat for San Joaquin pocket mouse. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~2,948~~2,987 acres of grasslands that could be suitable for San Joaquin pocket mouse (4% of the habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes a commitment to restore or create at least 2,000 acres of grassland in CZ 1, CZ 8, and CZ 11 (Objective GNC1.2) and to protect 8,000 acres of grassland (with at least 2,000 acres protected in CZ 1, at least 1,000 acres in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed throughout CZ 1, CZ 2, CZ 4, CZ 5, CZ 7, CZ 8, and CZ 11 in the study area)(Objective GNC1.1). The Plan's commitment to restore grasslands such that they connect fragmented patches of already protected grasslands (GNC1.2) would improve habitat connectivity and dispersal abilities of San Joaquin pocket mouse within and outside of the plan area. All protected habitat would be managed under *CM11 Natural Communities Enhancement and Management*.

NEPA Effects: In the near-term, the loss of San Joaquin pocket mouse habitat and potential for direct mortality would not be an adverse effect because the BDCP has committed to protecting and restoring an acreage that would meet the typical mitigation ratios described above. In the absence of other conservation actions, the effects on San Joaquin pocket mouse habitat and potential mortality of a special-status species resulting from Alternative 4 would represent an adverse effect in the late long-term. However, the BDCP has committed to habitat protection and restoration associated with CM3, CM8, and CM11. This habitat protection and restoration would be guided by biological goals and objectives and by AMM1–AMM6 and AMM10, which would be in place during construction. Considering these commitments, losses of San Joaquin pocket mouse and potential mortality under Alternative 4 would not be an adverse effect.

CEQA Conclusion:

Near-Term Timeframe

Because the water conveyance facilities construction is being evaluated at the project level, the near-term BDCP conservation strategy has been evaluated to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the impacts of construction would be less than significant. The Plan would remove ~~1,746~~1,785 acres of modeled (~~1,349~~1,395 permanent, ~~397~~ 390 temporary) habitat for San Joaquin pocket mouse in the study area in the near-term. One record of San Joaquin pocket mouse near Clifton Court forebay could be affected by the construction of the new forebay. These effects would result from the construction of the water conveyance facilities (CM1, ~~618~~ 657 acres), and implementing other conservation measures (Yolo Bypass Fisheries Enhancement [CM2] Tidal Natural Communities Restoration [CM4], Seasonally Inundated Floodplain Restoration [CM5], Riparian Natural Community Restoration (CM7), Grassland Natural Community Restoration [CM8], Vernal Pool and Alkali Seasonal Wetland Complex Restoration [CM9], Natural Community Enhancement and Management – Recreation Facilities (CM11), and Conservation Hatcheries [CM18] 1,116 acres).

Typical CEQA project-level mitigation ratios for those natural communities affected by CM1 would be 2:1 protection of grassland habitat. Using these typical ratios would indicate that ~~1,236~~1,314 acres of grassland natural communities should be protected to mitigate the CM1 losses of ~~618~~ 657 acres of San Joaquin pocket mouse habitat.

The BDCP has committed to near-term goals of protecting 2,000 acres and restoring 1,140 acres of grassland natural community in CZ 1, CZ 2, CZ 4, CZ 5, CZ 7, CZ 8, and CZ 11. The protection and restoration of grasslands, would result in a contiguous matrix of grassland, alkali seasonal wetland, and vernal pool natural communities which would expand habitat for San Joaquin pocket mouse and reduce the effects of current levels of habitat fragmentation. Under *CM11 Natural Communities Enhancement and Management*, San Joaquin pocket mouse would likely benefit from the management of the grasslands for general wildlife benefit.

These natural community biological goals and objectives would inform the near-term protection and restoration efforts and represent performance standards for considering the effectiveness of restoration actions for the species. The acres of protection and restoration contained in the near-term Plan goals would satisfy the typical mitigation ratios that would be applied to the project-level effects of CM1 especially considering that a large portion of the impacted grasslands consists of thin strips of grassland along levees and that areas of grassland protection and restoration would be in large contiguous blocks.

The Plan also includes commitments to implement AMM1–AMM6, and AMM10. All of these AMMs include elements that avoid or minimize the risk of affecting habitats and species adjacent to work areas and RTM storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C~~.

These commitments are more than sufficient to support the conclusion that the near-term effects of Alternative 4 would be less than significant under CEQA. No mitigation would be required.

Late Long-Term Timeframe

The habitat model indicates that the study area supports approximately 78,047 acres of potential habitat for San Joaquin pocket mouse. Alternative 4 as a whole would result in the permanent loss of and temporary effects on ~~2,948~~ 2,987acres of grasslands that could be suitable for San Joaquin pocket mouse (4% of the habitat in the study area). The locations of these losses are described above in the analyses of individual conservation measures. The Plan includes a commitment to restore or create at least 2,000 acres of grassland in CZ 1, 8 and 11 (Objective GNC1.2) and to protect 8,000 acres of grassland (with at least 2,000 acres protected in CZ 1, at least 1,000 acres in CZ 8, at least 2,000 acres protected in CZ 11, and the remainder distributed throughout CZ 1, CZ 2, CZ 4, CZ 5, CZ 7~~,CZ, 8~~CZ 8, and CZ 11 in the study area) (Objective GNC1.1). The Plan's commitment to restore grasslands such that they connect fragmented patches of already protected grasslands (Objective GNC1.2) would improve habitat connectivity and dispersal abilities of San Joaquin pocket mouse within and outside of the plan area. All protected habitat would be managed under *CM11 Natural Communities Enhancement and Management*.

Considering these protection and restoration provisions, which would provide acreages of new high-value or enhanced habitat in amounts suitable to compensate for habitats lost to construction and restoration activities, and with implementation of AMM1–AMM6 and AMM10, the loss of habitat or direct mortality through implementation of Alternative 4 would not result in a substantial ~~adverse effect~~significant impact through habitat modifications and would not substantially reduce the number or restrict the range of San Joaquin pocket mouse. Therefore, the loss of habitat or potential mortality under this alternative would have a less-than-significant impact on San Joaquin pocket mouse.

Impact BIO-165: Indirect Effects of Plan Implementation on San Joaquin Pocket Mouse

Construction activities associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operations and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic postconstruction disturbances and noise with localized effects on San Joaquin kit pocket mouse and its habitat over the term of the BDCP. These potential effects would be minimized and avoided through AMM1–AMM6, and AMM10, which would be in effect throughout the plan's construction phase.

Water conveyance facilities operations and maintenance activities would include vegetation and weed control, ground squirrel control, canal maintenance, infrastructure and road maintenance, levee maintenance, and maintenance and upgrade of electrical systems. While maintenance activities are not expected to remove pocket mouse habitat, operation of equipment could disturb small areas of vegetation around maintained structures and could result in injury or mortality of individual pocket mice, if present.

NEPA Effects: Implementation of the AMMs listed above would avoid the potential for substantial adverse effects on San Joaquin pocket mouse, either indirectly or through habitat modifications. These measures would also avoid and minimize effects that could substantially reduce the number of San Joaquin pocket mouse, or restrict the species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on San Joaquin pocket mouse.

CEQA Conclusion: Indirect effects from conservation measure operations and maintenance as well as construction-related noise and visual disturbances could impact San Joaquin pocket mouse. With implementation of AMM1–AMM6, and AMM10, as part of Alternative 4 construction, operation, and maintenance, the BDCP would avoid the potential for significant adverse effects on either species, either indirectly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of the species. Therefore, the indirect effects under this alternative would have a less-than-significant impact on San Joaquin pocket mouse. No mitigation would be required.

Special-Status Bat Species

Special-status bat species with potential to occur in the study area employ varied roost strategies, from solitary roosting in foliage of trees to colonial roosting in trees and artificial structures, such as tunnels, buildings, and bridges. Various roost strategies could include night roosts, maternity roosts, migration stopover, or hibernation. The habitat types used to assess effects for special-status bats roosting habitat includes valley/foothill riparian natural community, developed lands and landscaped trees, including eucalyptus, palms and orchards. Potential foraging habitat includes all riparian habitat types, cultivated lands, developed lands, grasslands, and wetlands.

There is potential for at least thirteen different bat species to be present in the study area (Figure 12-51), including four California species of special concern and nine species ranked from low to moderate priority by the Western Bat Working Group (see Table 12A-2 in Appendix 12A, *Special-Status Species with Potential to Occur in the Study Area*, of the Draft EIR/EIS). In 2009, DHCCP conducted a large-scale effort that involved habitat assessments, bridge surveys, and passive acoustic monitoring surveys for bats (see Appendix 12C, *2009 to 2011 Bay Delta Conservation Plan EIR/EIS Environmental Data Report*, of the Draft EIR/EIS for details on methods and results, and Table 12A-2 in Appendix 12A of the Draft EIR/EIS).

The majority of the parcels assessed during field surveys contained bat foraging and roosting features and were considered highly suitable habitat, ~~At~~at the time of the 2009 field surveys, DWR biologists initially identified 145 bridges in their survey area. Eleven of the 145 bridges were not accessible and thirteen were determined to not be suitable for bats. Evidence of bat presence was observed at six of the bridges and bat sign (guano, urine staining, odor, or vocalizations) was observed at 26 of the bridges. Biologists observed Mexican free-tailed bats at four of the bridges and unidentified species at the remaining two bridges. One of these bridges, over the Yolo Causeway, was used by approximately 10,000 Mexican free-tailed bats, indicating a maternity roost. A second roost site of about 50 individuals was observed under a bridge in eastern Solano County.

The remaining 89 bridges contained structural features that were considered conducive to maternity, solitary, day and/or night roosting. Night roosts may have crevices and cracks but more often have box beams or other less protected roosting spots where bats rest temporarily while feeding. Day roosts are commonly found in bridges with expansion joints, crevices, or cracks where bats are protected from predators and weather. Seventeen bridges in the survey area had no potential for roosting because they lacked surface features from which bats could hang and offered no protection from weather or predators.

Construction and restoration associated with Alternative 4 conservation measures would result in both temporary and permanent losses of foraging and roosting habitat for special-status bats as indicated in Table 12-4-61. Protection and restoration for special-status bat species focuses on habitats and does not include manmade structures such as bridges. The conservation measures that would be implemented to achieve the biological goals and objectives that would also benefit special-status bats are summarized below.

- Protect or restore 142,200 acres of high-value natural communities (Objective L1.1, associated with CM3). This objective involves protecting and restoring a variety of habitat types described below (see Table 3.3-1~~4~~ in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP).
  - Protect 150 acres of alkali seasonal wetland in CZ 1, CZ 8, and/or CZ 11 among a mosaic of protected grasslands and vernal pool complex (Objective ASWNC1.1, associated with CM3).
  - Protect 600 acres of existing vernal pool complex (Objective VPNC1.1, associated with CM3).
  - Protect 8,000 acres of grassland (Objective GNC1.1, associated with CM3).
  - Protect 8,100 acres of managed wetland (Objective MWNC1,1, associated with CM3 and CM11).
  - Protect 48,625 acres of cultivated lands (Objective CLNC1.1, associated with CM3 and CM11).
  - Protect, restore, or create 2,740 acres of rice land or equivalent habitat type for the giant garter snake (Objective GGS3.1, associated with CM3, CM4, and CM10).
  - Restore 2,000 acres of grasslands to connect fragmented patches of protected (Objective GNC1.2, associated with CM3 and CM8).
  - Restore 67 acres of vernal pool complex (Objective VPNC1.2, associated with CM3 and CM9).
  - Restore and protect 65,000 acres of tidal natural communities (Objective L1.2, associated with CM2 – CM4~~, 3, and 4~~).
  - Restore or create 5,000 acres of valley/foothill riparian natural community (Objective VFRNC1.1, associated with CM3 and CM7).
  - Protect 750 acres of existing valley/foothill riparian natural community in CZ 7 by year 10 (Objective VFRNC1.2, associated with CM3).

As explained below, with the restoration and protection of these amounts of habitat, in addition to mitigation measures to reduce potential effects, impacts on special-status bats would not be adverse for NEPA purposes and would be less than significant for CEQA purposes.

Table 12-4-61. Changes in Special-Status Bat Roosting and Foraging Habitat Associated with Alternative 4[a]

Conservation Measure[b]	Habitat Type[c]	Permanent		Temporary		Periodic[e]	
		NT	LLT[d]	NT	LLT	CM2	CM5
CM1	Roosting	~~119~~55, ~~679~~194	~~119~~194	~~149~~43, ~~606~~61	~~149~~61	NA	NA
	Foraging	~~5,443~~4,744	~~5,443~~4,744	~~3,801~~3,731	~~3,801~~ 3,731	NA	NA
Total Impacts CM1		**~~5,562~~4,938**	**~~5,562~~4,938**	**~~3,950~~3,792**	**~~3,950~~ 3,792**	**NA**	**NA**
CM2–CM18	Roosting	524	1,570	167	212	324	411
	Foraging	14,497	60,399	773	2,126	21,265	10,137
Total Impacts CM2–CM18		**15,021**	**61,696**	**940**	**2,338**	**21,589**	**10,548**
TOTAL IMPACTS		**~~20,583~~ 19,959**	**~~67,531~~66,440**	**~~4,890~~4,732**	**~~6,288~~ 6,130**	**21,589**	**10,548**

[a] See Appendix 12E, *Detailed Accounting of Direct Effects of Alternatives on Natural Communities and Covered Species*, of this RDEIR/SDEIS, for a detailed breakdown of conservation measure effects over the BDCP's near-term and late long-term timeframes.

[b] See discussion below for a description of applicable CMs.

[c] Affected roosting habitat acreages include valley foothill riparian habitat and orchards. An unknown number of buildings, bridges, tunnels, and individual trees could also be affected but were not included in this analysis. Foraging habitat includes all natural communities, cultivated lands, and developed lands in the study area. Foraging habitat effects for CM2-CM18 were not considered adverse as they reflect a conversion from one foraging habitat type (mostly cultivated lands) to another foraging habitat (wetlands).

[d] LLT acreages are a summation of effects that would occur in the near-term, early long-term and late long-term timeframes. The LLT acreages represent the total amount of habitat that would be affected over the 50-year life of the BDCP and do not reflect habitat increases that would result from restoration, creation and protection activities.

[e] Periodic effects were estimated for the late long-term only.

NT = near-term
LLT = late long-term
NA = not applicable

Impact BIO-166: Loss or Conversion of Habitat for and Direct Mortality of Special-Status Bats

Alternative 4 conservation measure CM1 would result in the permanent and temporary loss combined of up to ~~268~~ 255 acres of roosting habitat and ~~9,244~~8,475 acres of foraging habitat for special-status bats in the study area. DWR identified two bridges as potential night roosting habitat that could be affected by construction in CM1. Conservation measures Fremont Weir/Yolo Bypass improvements (CM2), tidal habitat restoration (CM4), and floodplain restoration (CM5) would result in the permanent and temporary loss of 1,782 acres of roosting habitat and the conversion of approximately 65,525 acres of foraging habitat from mostly cultivated lands and managed wetlands to tidal and nontidal wetlands. Foraging habitat effects for CM2–CM18 were not considered adverse as they reflect a conversion from one foraging habitat type (mostly cultivated lands) to another foraging habitat (wetlands). Habitat enhancement and management activities (CM11) could result in local adverse effects. In addition, maintenance activities associated with the long-term operation of the water conveyance facilities and other BDCP physical facilities could affect special-status bat habitat. A summary of combined impacts and NEPA effects and a CEQA conclusion follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operation*: Construction of Alternative 4 conveyance facilities would result in the permanent loss of approximately ~~119~~ 194 acres of roosting habitat and ~~5,443~~4,744 acres of foraging habitat in the study area. Development of the water conveyance facilities would also result in the temporary removal of up to ~~149~~ 61 acres of roosting habitat and up to ~~3,8~~3,731~~01~~ acres of foraging habitat for special-status bats in the study area (Table 12-4-61). DWR identified two bridges with potential night roosting habitat in the forebay embankment area and tunnel muck area that could be permanently affected by construction for CM1. Additional roosting habitat affected by construction and operations includes valley/foothill riparian natural community, developed lands and landscaped trees, including eucalyptus, palms and orchards.

- *CM2 Yolo Bypass Fisheries Enhancement*: Improvements in the Yolo Bypass would result in the conversion of approximately 2,025 acres of foraging habitat into wetlands that could still be used by bats for foraging. CM2 would also result in the permanent removal of 89 acres and temporary removal of 167 acres of roosting habitat for special-status bats. The maternity colony of Mexican free-tailed bats located at both ends of the Yolo Causeway ~~bridge~~Bridge could also be affected during construction for CM2. Implementation of Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*, would ensure that improvements in the Yolo Bypass avoid effects on roosting special-status bats.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration site preparation and inundation would result in the conversion of approximately 56,810 acres of foraging habitat into wetlands that could still be used by bats for foraging. Approximately 1,425 acres of roosting habitat for special-status bats would permanently affected. This habitat is of low value, consisting of a small, isolated patch surrounded by cultivated lands, and the species have a relatively low likelihood of being present in these areas. The roosting habitat that would be removed consists of relatively small and isolated patches along canals and irrigation ditches surrounded by cultivated lands in the Union Island and Roberts Island areas, and several small patches along the San Joaquin River. Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*, requires that tidal natural communities restoration avoid effects on roosting special-status bats.

- *CM5 Seasonally Inundated Floodplain Restoration*: Levee construction associated with floodplain restoration would result in the conversion of an estimated 3,690 acres of foraging habitat into wetlands that could still be used by bats for foraging. CM5 would also result in the permanent removal of 57 acres and temporary removal of 45 acres of roosting habitat for special-status bats in the study area.

- *CM11 Natural Communities Enhancement and Management*: Implementation of the plan would result in an overall benefit to special-status bats within the study area through protection and restoration of their foraging and roosting habitats. The majority of affected acres would convert agricultural land to natural communities with higher potential foraging and roosting value, such as riparian, tidal and nontidal wetlands, and periodically inundated lands. Restored foraging habitats primarily would replace agricultural lands. Restored habitats are expected to be of higher function because the production of flying insect prey species is expected to be greater in restored wetlands and uplands on which application of pesticides would be reduced relative to affected agricultural habitats. Noise and visual disturbances during implementation of riparian habitat management actions could result in temporary disturbances that, if bat roost sites are present, could cause temporary abandonment of roosts. This effect would be minimized with implementation of Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*.

- Operations and maintenance: Ongoing facilities operation and maintenance is expected to have little if any adverse effect on special-status bats. Postconstruction operation and maintenance of the above-ground water conveyance facilities and restoration infrastructure could result in ongoing but periodic disturbances that could affect special-status bat use of the surrounding habitat in the Yolo Bypass, the Cache Slough area, and the north and south Delta (CZ 1, CZ 2, CZ 4, CZ 5, CZ 6, CZ 7, and CZ 8). Maintenance activities would include vegetation management, levee and structure repair, and regrading of roads and permanent work areas. These effects, however, would be minimized with implementation of the mitigation measures described below.
- Injury and direct mortality: In addition, to habitat loss and conversion, construction activities, such as grading, the movement of construction vehicles or heavy equipment, and the installation of water conveyance facilities components and new transmission lines, may result in the direct mortality, injury, or harassment of roosting special-status bats. Construction activities related to conservation components could have similar affects. Preconstruction surveys would be conducted and if roosting or maternity sites are detected, seasonal restrictions would be placed while bats are present, as described below in the mitigation measures.

The following paragraphs summarize the combined effects discussed above and describe other BDCP conservation actions that offset or avoid these effects. NEPA effects and CEQA conclusions are also included.

Near-Term Timeframe

Because water conveyance facilities construction is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction effects would not be adverse under NEPA. Because the majority of affected acres would convert agricultural land to natural communities with higher potential foraging and roosting value, such as riparian, tidal and nontidal wetlands, and periodically inundated lands this analysis focuses only on losses to roosting habitat resulting for CM1, CM2, and CM4.

Alternative 4 would permanently or temporarily affect ~~959~~ 946 acres of roosting habitat for special-status bats in the near-term as a result of implementing CM1 (~~268~~ 255 acres roosting habitat), CM2 (256 acres roosting habitat), and CM4 (435 acres roosting habitat). Effects from CM5 would all occur in the late long-term. Most of the roosting habitat losses would occur in ~~an~~a valley/foothill riparian. Typical NEPA project-level mitigation ratios for those natural communities that would be affected for roosting habitat would be 1:1 for restoration and protection of the valley/foothill riparian natural community. Using these ratios would indicate that ~~959~~ 946 acres of riparian habitat should be restored and ~~959~~ 946 acres of riparian habitat should be protected.

Implementation of BDCP actions in the near-term would result in an overall benefit to special-status bats within the study area through protection and restoration of their foraging and roosting habitats (Objective L1.1). BDCP actions in the near-term would restore 800 acres of riparian roosting and foraging habitat (Objective VFRNC1.1) and 21,288 acres of foraging habitat in natural communities and developed lands (Objective L1.1, Objective GNC1.2, Objective VPNC1.2, Objective L1.2, and Objective L2.11). In addition, the BDCP would protect 750 acres of riparian roosting and foraging habitat (Objective VFRNC1.2) and 41,445 acres of foraging habitat (Objective L1.1, Objective ASWNC1.1, Objective VPNC1.1, Objective MWNC1.1, Objective CLNC1.1, Objective GGS3.1, and Objective GNC1.1,). Restored foraging habitats would replace primarily cultivated lands. Restored habitats are expected to be of higher function because the production of flying insect prey species is expected to be greater in restored wetlands and uplands on which application of pesticides would be reduced relative to affected agricultural habitats. Conservation components in the near-term would sufficiently offset the adverse effects resulting from near-term effects from Alternative 4.

In addition, activities associated with natural communities enhancement and protection and with ongoing facilities operations and maintenance could affect special-status bat use of surrounding habitat and could result in harassment, injury or mortality of bats. Mitigation Measure BIO-166, described below, requires preconstruction surveys to reduce these effects.

The BDCP also contains commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM10 Restoration of Temporarily Affected Natural Communities.* These AMMs include elements that avoid or minimize the risk of construction activity affecting habitat and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Alternative 4 as a whole would affect ~~2,050~~2,037 acres of roosting habitat (Table 12-4-61). Because the majority of affected acres would convert agricultural land to natural communities with higher potential foraging and roosting value, such as riparian, tidal and nontidal wetlands, and periodically inundated lands this analysis focuses only on losses to roosting habitat for CM1, CM2, CM4, and CM5 in the late long-term.

Implementation of BDCP actions in the late long-term would result in an overall benefit to special-status bats within the study area through protection and restoration of approximately 142,200 acres of their foraging and roosting habitats (Objective L1.1). Achieving this objective is intended to protect the highest quality natural communities and covered species habitat in the Plan Area to optimize the ecological value of the reserve system for conserving covered species and native biodiversity. The target for total protected and restored acreage is based on the sum of all natural community acreage targets. Achieving this objective is intended to protect and restore natural communities, species-specific habitat elements, and species diversity on a landscape-scale. Achieving this objective is also intended to conserve representative natural and seminatural landscapes in order to maintain the ecological integrity of large habitat blocks, including desired ecosystem function, and biological diversity.

BDCP actions in the late long-term would restore and protect 5,750 acres of riparian roosting and foraging habitat (Objective VFRNC1.1 and Objective VFRNC1.2), and 136,450 acres of foraging habitat (Objective L1.1, Objective GNC1.2, Objective VPNC1.2, Objective L1.2, Objective L2.11, Objective L1.1, Objective ASWNC1.1, Objective VPNC1.1, Objective MWNC1.1, Objective CLNC1.1, Objective GGS3.1, and Objective GNC1.1,) in natural communities and developed lands. Restored foraging habitats would replace primarily cultivated lands. Restored habitats are expected to be of higher function because the production of flying insect prey species is expected to be greater in restored wetlands and uplands on which application of pesticides would be reduced relative to affected agricultural habitats.

Should any of the special-status bat species be detected roosting in the study area, construction of water conveyance facilities and restoration activities would have an adverse effect on roosting special-status bats. Noise and visual disturbances and the potential for injury or mortality of individuals associated within implementation of the restoration activities on active roosts would be minimized with implementation of Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*. Conservation components would sufficiently offset the adverse effects resulting from late long-term effects from CM1, CM2, CM4, and CM5.

NEPA Effects: In the near-term, the losses of roosting habitat for special-status bats associated with implementing Alternative 4 are not expected to result in substantial adverse effects on special-status bats, either directly or through habitat modifications, and would not result in a substantial reduction in numbers or a restriction in the range of special-status bats because the BDCP has committed to protecting the acreage required to meet the typical mitigation ratios described above. In the late long-term, the losses of roosting habitat for special-status bats, in the absence of other conservation actions, would represent an adverse effect as a result of habitat modification and potential direct mortality of a special-status species. However, with habitat protection and restoration associated with the conservation components, guided by landscape-scale goals and objectives and by AMM1–AMM6, and AMM10, and with implementation of Mitigation Measure BIO-166, the effects of Alternative 4 as a whole on special-status bats would not be adverse.

CEQA Conclusion:

Near-Term Timeframe

Because water conveyance facilities construction is being evaluated at the project level, the near-term BDCP strategy has been analyzed to determine whether it would provide sufficient habitat protection or restoration in an appropriate timeframe to ensure that the construction impacts would be less than significant for CEQA purposes. Because the majority of affected acres would convert agricultural land to natural communities with higher potential foraging and roosting value, such as riparian, tidal and nontidal wetlands, and periodically inundated lands this analysis focuses only on losses to roosting habitat for CM1, CM2, and CM4.

Alternative 4 would permanently or temporarily affect ~~959~~ 946 acres of roosting habitat for special-status bats in the near-term as a result of implementing CM1 (~~268~~ 255 acres roosting habitat), CM2 (256 acres roosting habitat), and CM4 (435 acres roosting habitat). Effects from CM5 would all occur in the late long-term. Most of the roosting habitat losses would occur in ~~ana~~a valley/foothill riparian.

Typical CEQA project-level mitigation ratios for those natural communities that would be affected for roosting habitat would be 1:1 for restoration and protection of the valley/foothill riparian natural community. Using these ratios would indicate that ~~959~~ 946 acres of riparian habitat should be restored and ~~959~~ 946 acres of riparian habitat should be protected.

Implementation of BDCP actions in the near-term would result in an overall benefit to special-status bats within the study area through protection and restoration of their foraging and roosting habitats (Objective L1.1). BDCP actions in the near-term would restore 800 acres of riparian roosting and foraging habitat (Objective VFRNC1.1) and 21,288 acres of foraging habitat in natural communities and developed lands (Objective L1.1, Objective GNC1.2, Objective VPNC1.2, Objective L1.2, and Objective L2.11). In addition, the BDCP would protect 750 acres of riparian roosting and foraging habitat (Objective VFRNC1.2) and 41,445 acres of foraging habitat (Objective L1.1, Objective ASWNC1.1, Objective VPNC1.1, Objective MWNC1.1, Objective CLNC1.1, Objective GGS3.1, and Objective GNC1.1,). Restored foraging habitats would replace primarily cultivated lands. Restored habitats are expected to be of higher function because the production of flying insect prey species is expected to be greater in restored wetlands and uplands on which application of pesticides would be reduced relative to affected agricultural habitats. Conservation components in the near-term would sufficiently offset the ~~adverse effects~~significant impacts resulting from near-term effects from Alternative 4.

In addition, activities associated with natural communities enhancement and protection and with ongoing facilities operations and maintenance could affect special-status bat use of surrounding habitat and could result in harassment, injury or mortality of bats. Mitigation Measure BIO-166, described below, requires preconstruction surveys to reduce these impacts to a less-than-significant level.

The permanent loss of roosting habitat from Alternative 4 would be mitigated through implementation of Mitigation Measure BIO-166, which would include protective measures to ensure there is no significant impact under CEQA on roosting special-status bats, either directly or through habitat modifications and no substantial reduction in numbers or a restriction in the range of special-status bats. The BDCP also contains commitments to implement AMM1–6 and AMM10. These AMMs include elements that avoid or minimize the risk of construction activity affecting habitat and species adjacent to work areas and storage sites. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and an updated version of AMM–6 is provided in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~.

Late Long-Term Timeframe

Alternative 4 as a whole would affect ~~2,050~~2,037 acres of roosting habitat (Table 12-4-61). Because the majority of affected acres would convert agricultural land to natural communities with higher potential foraging and roosting value, such as riparian, tidal and nontidal wetlands, and periodically inundated lands this analysis focuses only on losses to roosting habitat for CM1, CM2, CM4, and CM5 in the late long-term.

Implementation of BDCP actions in the late long-term would result in an overall benefit to special-status bats within the study area through protection and restoration of approximately 142,200 acres of their foraging and roosting habitats (Objective L1.1). Achieving this objective is intended to protect the highest quality natural communities and covered species habitat in the Plan Area to optimize the ecological value of the reserve system for conserving covered species and native biodiversity. The target for total protected and restored acreage is based on the sum of all natural community acreage targets. Achieving this objective is intended to protect and restore natural communities, species-specific habitat elements, and species diversity on a landscape-scale. Achieving this objective is also intended to conserve representative natural and seminatural landscapes in order to maintain the ecological integrity of large habitat blocks, including desired ecosystem function, and biological diversity.

BDCP actions in the late long-term would restore and protect 5,750 acres of riparian roosting and foraging habitat (Objective VFRNC1.1 and Objective VFRNC1.2), and 136,450 acres of foraging habitat (Objective L1.1, Objective GNC1.2, Objective VPNC1.2, Objective L1.2, Objective L2.11, Objective L1.1, Objective ASWNC1.1, Objective VPNC1.1, Objective MWNC1.1, Objective CLNC1.1, Objective GGS3.1, and Objective GNC1.1,) in natural communities and developed lands. Restored foraging habitats would replace primarily cultivated lands. Restored habitats are expected to be of higher function because the production of flying insect prey species is expected to be greater in restored wetlands and uplands on which application of pesticides would be reduced relative to affected agricultural habitats.

Should any of the special-status bat species be detected roosting in the study area, construction of water conveyance facilities and restoration activities would have ~~an adverse effect~~a significant impact on roosting special-status bats. Noise and visual disturbances and the potential for injury or mortality of individuals associated within implementation of the restoration activities on active roosts would be minimized with implementation of Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*. Conservation components would sufficiently offset the ~~adverse effects~~significant impacts resulting from late long-term effects from CM1, CM2, CM4, and CM5.

The permanent loss of roosting habitat from Alternative 4 would be mitigated through implementation of Mitigation Measure BIO-166, which would include protective measures to ensure there is no significant impact on roosting special-status bats, either directly or through habitat modifications, and no substantial reduction in numbers or a restriction in the range of special-status bats. Therefore, Alternative 4 would not result in a significant impact on special-status bats under CEQA.

Mitigation Measure BIO-166: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures

The following measure was designed to avoid and minimize adverse effects on special-status bats. However, baseline data are not available or are limited on how bats use the study area, and on individual numbers of bats and how they vary seasonally. Therefore, it is difficult to determine if there would be a substantial reduction in species numbers. Bat species with potential to occur in the study area employ varied roost strategies, from solitary roosting in foliage of trees to colonial roosting in trees and artificial structures, such as buildings and bridges. Daily and seasonal variations in habitat use are common. To obtain the highest likelihood of detection, preconstruction bat surveys will be conducted by DWR and will include these components.

- Identification of potential roosting habitat within project area.
- Daytime search for bats and bat sign in and around identified habitat.
- Evening emergence surveys at potential day-roost sites, using night-vision goggles and/or active full-spectrum acoustic monitoring where species identification is sought.
- Passive full-spectrum acoustic monitoring and analysis to detect bat use of the area from dusk to dawn over multiple nights.
- Additional on-site night surveys as needed following passive acoustic detection of special status bats to determine nature of bat use of the structure in question (e.g., use of structure as night roost between foraging bouts).

- Qualified biologists will have knowledge of the natural history of the species that could occur in the study area and experience using full-spectrum acoustic equipment. During surveys, biologists will avoid unnecessary disturbance of occupied roosts.

Preconstruction Bridges and Other Structure Surveys

Before work begins on the bridge/structure, qualified biologists will conduct a daytime search for bat sign and evening emergence surveys to determine if the bridge/structure is being used as a roost. Biologists conducting daytime surveys would listen for audible bat calls and would use naked eye, binoculars, and a high-powered spotlight to inspect expansion joints, weep holes, and other bridge features that could house bats. Bridge surfaces and the ground around the bridge/structure would be surveyed for bat sign, such as guano, staining, and prey remains.

Evening emergence surveys will consist of at least one biologist stationed on each side of the bridge/structure watching for emerging bats from a half hour before sunset to 1–2 hours after sunset for a minimum of two nights within the season that construction would be taking place. Night-vision goggles and/or full-spectrum acoustic detectors shall be used during emergence surveys to assist in species identification. All emergence surveys would be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no precipitation predicted).

Additionally, passive monitoring with full-spectrum bat detectors will be used to assist in determining species present. A minimum of four nights of acoustic monitoring surveys will be conducted within the season that the construction would be taking place. If site security allows, detectors should be set to record bat calls for the duration of each night. To the extent possible, all monitoring will be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no precipitation predicted). The biologists will analyze the bat call data using appropriate software and prepare a report with the results of the surveys. If acoustic data suggest that bats may be using the bridge/structure as a night roost, biologists will conduct a night survey from 1–2 hours past sunset up to 6 hours past sunset to determine if the bridge is serving as a colonial night roost.

If suitable roost structures would be removed, additional surveys may be required to determine how the structure is used by bats, whether it is as a night roost, maternity roosts, migration stopover, or for hibernation.

Preconstruction Tree Surveys

If tree removal or trimming is necessary, qualified biologists will examine trees to be removed or trimmed for suitable bat roosting habitat. High-value habitat features (large tree cavities, basal hollows, loose or peeling bark, larger snags, palm trees with intact thatch, etc.) will be identified and the area around these features searched for bats and bat sign (guano, culled insect parts, staining, etc.). Riparian woodland, orchards, and stands of mature broadleaf trees should be considered potential habitat for solitary foliage roosting bat species.

If bat sign is detected, biologists will conduct evening visual emergence survey of the source habitat feature, from a half hour before sunset to 1–2 hours after sunset for a minimum of two nights within the season that construction would be taking place. Methodology should follow that described above for the bridge emergence survey.

Additionally, if suitable tree roosting habitat is present, acoustic monitoring with a bat detector will be used to assist in determining species present. These surveys would be conducted in coordination with the acoustic monitoring conducted for the bridge/structure.

Protective Measures for Bats using Bridges/Structures and Trees

Avoidance and minimization measures may be necessary if it is determined that bats are using the bridge/structure or trees as roost sites and/or sensitive bats species are detected during acoustic monitoring. Appropriate measures will be determined in coordination with CDFW and may include measures listed below.

- Disturbance of the bridge will be avoided between April 15 and September 15 (the maternity period) to avoid impacts on reproductively active females and dependent young.
- Installation of exclusion devices from March 1 through April 14 or September 15 through October 30 to preclude bats from occupying the bridge during construction. Exclusionary devices will only be installed by or under the supervision of an experienced bat biologist.
- Tree removal will be avoided between April 15 and September 15 (the maternity period) to avoid impacts on pregnant females and active maternity roosts (whether colonial or solitary).

  All tree removal will be conducted between September 15 and October 30, which corresponds to a time period when bats would not likely have entered winter hibernation and would not be caring for flightless young. If weather conditions remain conducive to regular bat activity beyond October 30th, later tree removal may be considered in consultation with CDFW.
- ~~would.~~
- Trees will be removed in pieces, rather than felling the entire tree.
- If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed with a buffer as determined in consultation with CDFW until September 15 or until a qualified biologist has determined the roost is no longer active.
- If a non-maternity roost is found, that roost will be avoided and an appropriate buffer established in consultation with CDFW. Every effort should be made to avoid the roost, as methods to evict bats from trees are largely untested. However, if the roost cannot be avoided, eviction would be attempted and procedures designed in consultation with CDFW to reduce the likelihood of mortality of evicted bats. In all cases:
  - Eviction will not occur before September 15th and will match the timeframe for tree removal approved by CDFW.
  - Qualified biologists will carry out or oversee the eviction tasks and monitor the tree trimming/removal.
  - Eviction will take place late in the day or in the evening to reduce the likelihood of evicted bats falling prey to diurnal predators.
  - Eviction will take place during weather and temperature conditions conducive to bat activity.
  - Special-status bat roosts would not be disturbed.

Eviction procedures may include but are not limited to:

- Pre-eviction surveys to obtain data to inform the eviction approach and subsequent mitigation requirements. Relevant data may include the species, sex, reproductive status and/or number of bats using the roost, and roost conditions themselves such as temperature and dimensions. Surveys may include visual emergence, night vision, acoustic, and/or capture.
- Structural changes may be made to the roost, performed without harming bats, such that the conditions in the roost are undesirable to roosting bats and the bats leave on their own (e.g., open additional portals so that temperature, wind, light and precipitation regime in the roost change).
- Noninjurious harassment at the roost site to encourage bats to leave on their own, such as ultrasound deterrents or other sensory irritants.

- Prior to removal/trimming, after other eviction efforts have been attempted, any confirmed roost tree would be shaken, repeatedly struck with a heavy implement such as an axe and several minutes should pass before felling trees or trimming limbs to allow bats time to arouse and leave the tree. The biologists should search downed vegetation for dead and injured bats. The presence of dead or injured bats would be reported to CDFW.

Compensatory mitigation for the loss of roosting habitat will also be determined through consultation with CDFW and may include the construction and installation of suitable replacement habitat onsite. Depending on the species and type of roost lost, various roost replacement habitats have met with some success (e.g., bat houses, “bat bark,” planting cottonwood trees, leaving palm thatch in place rather than trimming). The creation of natural habitat onsite is generally preferable to artificial.

Artificial roosts are often unsuccessful, and care must be taken to determine as closely as possible the conditions in the natural roost to be replaced. Even with such care, artificial habitat may fail. Several artificial roosts have been highly successful in replacing bridge roost habitat when incorporated into new bridge designs. “Bat bark” has been successfully used by Arizona Department of Game and Fish to create artificial crevice-roosting bat habitat mounted on pine trees (Mering and Chambers 2012: 765). Bat houses have at best an inconsistent track record but information is mounting on how to create successful houses. There is no single protocol or recipe for bat-house success. Careful study of the roost requirements of the species in question; the particular conditions at the lost roost site including temperature, orientation of the openings, airflow, internal dimensions and structures (cavity vs. crevice, etc.) should increase the chances of designing a successful replacement.

Restoring riparian woodland with plantings shows signs of success in Colorado. Western red bat activity has been positively correlated with increased vegetation and tree growth, canopy complexity and restoration acreage at cottonwood-willow restoration sites along the Lower Colorado River (Broderick 2012: 39). These complex woodland areas would ultimately provide a wider range of bat species with preferred roost types, including both foliage-roosting and crevice-/cavity-roosting bats.

Impact BIO-167: Indirect Effects of Plan Implementation on Special-Status Bats

Construction activities associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operations and maintenance of above-ground water conveyance facilities, including the transmission facilities, could result in ongoing periodic postconstruction disturbances and noise with localized effects on special-status bats and their roosting habitat over the term of the BDCP.

Water conveyance facilities operations and maintenance activities would include vegetation and weed control, ground squirrel control, canal maintenance, infrastructure and road maintenance, levee maintenance, and maintenance and upgrade of electrical systems. While maintenance activities are not expected to remove special-status bat habitat, operation of equipment could disturb small areas of vegetation around maintained structures and could result in disturbances to roosting bats, if present. Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*, is available to address these adverse effects.

Increased exposure to methylmercury associated with tidal natural communities restoration would potentially indirectly affect special-status bat species. *CM12 Methylmercury Management* (as revised in Appendix D, *Substantive BDCP Revisions*, in this RDEIR/SDEIS) describes the process by which tidal natural communities restoration may increase methyl mercury levels in wetlands in the study area. Mercury has been found in high concentrations in some bat species, such as the Indiana bat. Many bat species forage heavily on aquatic insects, which might result in rapid bioaccumulation (Evers et al. 2012). Measures described in *CM12 Methylmercury Management* are expected to reduce the effects of methylmercury on special-status bat species resulting from BDCP tidal natural communities restoration.

NEPA Effects: Implementation of the Mitigation Measure BIO-~~166 for~~166 for special-status bats and *Environmental Commitment 12 Methylmercury Management* would avoid the potential for substantial adverse effects on roosting special-status bats, either indirectly or through habitat modifications. This mitigation measure would also avoid and minimize effects that could substantially reduce the number of special-status bats, or restrict species' range. Therefore, the indirect effects of Alternative 4 would not have an adverse effect on special-status bats.

CEQA Conclusion: Indirect effects from conservation components operations and maintenance as well as construction-related noise and visual disturbances could have a significant impact on special-status bat species, either indirectly or through habitat modifications. Mitigation Measure BIO-166 and *Environmental Commitment 12 Methylmercury* ~~, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*, would~~*Management would* reduce this impact to a less-than-significant level ~~and~~ by implementing protective ~~measurues~~measures to ensure that Alternative 4 would not result in a substantial reduction in numbers or a restriction in the range of species.

Mitigation Measure BIO-166: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures

See Mitigation Measure BIO-166 under Impact BIO-166.

Impact BIO-168: Periodic Effects of Inundation of Special-Status Bat Habitat as a Result of Implementation of Conservation Components

Flooding of the Yolo Bypass from *CM2 Yolo Bypass Fisheries Enhancement* would periodically affect 324 acres of roosting habitat and 21,265 acres of foraging habitat for special-status bats in the study area (Table 12-4-61).

CM5 Seasonally Inundated Floodplain Restoration would periodically inundate up to 411 acres of roosting habitat and 10,137 acres of foraging habitat for special-status bats (Table 12-4-61). Potential roosting trees are likely to be retained within seasonally flooded areas, although high velocity flooding could uproot some trees. Seasonal flooding would not adversely affect foraging habitat for the species. The overall effect of seasonal inundation in existing riparian natural communities may instead be beneficial. Historically, flooding was the main natural disturbance regulating ecological processes in riparian areas, and flooding promotes the germination and establishment of many native riparian plants. In the late long-term, seasonal inundation in areas currently occupied by riparian vegetation may contribute to the establishment of high-value habitat for special-status bats that use riparian habitats.

***NEPA Effects*:** The periodic losses of roosting and foraging habitat for special-status bats associated with implementing Alternative 4 are not expected to result in substantial adverse effects on special-status bats, either directly or through habitat modifications and would not result in a substantial reduction in numbers or a restriction in the range of special-status bats. Mitigation Measure BIO-166, *Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures*, is available to address any effects of periodic inundation on special-status bats and roosting habitat. Therefore, Alternative 4 would not adversely affect the species.

***CEQA Conclusion*:** Periodic inundation under CM2 and floodplain restoration under CM5 would periodically affect foraging and roosting habitat for special-status bats in the study area, which could result in a significant impact. Any impact of periodic inundation on special-status bats would be mitigated through implementation of Mitigation Measure BIO-166, which would include protective measures to ensure there is no significant impact on roosting special-status bats, either directly or through habitat modifications and no substantial reduction in numbers or a restriction in the range of special-status bats.

Mitigation Measure BIO-166: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures

See Mitigation Measure BIO-166 under Impact BIO-166.

Plant Species

Vernal Pool ~~Plants~~Species

Five covered plant species and 12 noncovered special-status plant species occur in vernal pools in the study area (Tables 12-2 and 12-3, summarized in Table 12-4-62). The vernal pool habitat model used for the impact analysis on vernal pool species was based on vegetation types and associations from various data sets which were used to create maps showing the distribution of vernal pool habitat in the study area according to three habitat types in which these species are known to occur, including vernal pool complex, degraded vernal pool complex, and alkali seasonal wetland habitat. Vernal pool complex habitat consists of vernal pools and uplands that display characteristic vernal pool and swale visual signatures that have not been significantly impacted by agricultural or development practices. Degraded vernal pool complex habitat consists of habitat that ranges from areas with vernal pool and swale visual signatures that display clear evidence of significant disturbance due to plowing, discing, or leveling to areas with clearly artificial basins such as shallow agricultural ditches, depressions in fallow fields, and areas of compacted soils in pastures. Because wetlands in the degraded vernal pool complex are inundated during the wet season and may have historically been located in or near areas with natural vernal pool complex, they may support individuals or small populations of species that are found in vernal pools and swales. However, they do not possess the full complement of ecosystem and community characteristics of natural vernal pools, swales and their associated uplands and they are generally ephemeral features that are eliminated during the course of normal agricultural practices. A small amount of alkali seasonal wetland habitat was included in the model because alkaline vernal pools are also present in some areas mapped as alkali seasonal wetland.

Because each of the vernal pool species addressed in this EIR/EIS have specific microhabitat affinities, and because vernal pool habitat within the study area is highly heterogeneous with respect to habitat parameters such as soil type and pool depth, the vernal pool habitat model greatly overestimates the extent of habitat in the study area occupied by each species. However, the vernal pool habitat model is likely to encompass all or most of the potential area within which special-status vernal pool plant species would occur. Therefore, it is not likely to underestimate the extent of occupied habitat or to underestimate the effects of Alternative 4.

Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit covered vernal pool plant species (~~BDCP~~ see Chapter 3, Section 3.3, *~~Conservation Strategy~~Biological Goals and Objectives*, of the Draft BDCP).

- Protect at least two currently unprotected occurrences of alkali milk-vetch in the Altamont Hills or Jepson Prairie core recovery areas (Objective VPP1.1, associated with CM3).
- Maintain no net loss of Heckard's peppergrass in Conservation Zones 1, 8, or 11 within restoration sites or within the area of affected tidal range of restoration projects (Objective VPP1.2, associated with CM3 and CM9).

The construction and restoration activities covered under Alternative 4 could have impacts on special-status vernal pool plant species. Modeled habitat is within the proposed footprint for the Alternative 4 water conveyance facilities and within the hypothetical footprint for restoration activities. One known occurrence of a covered plant species is within the proposed footprint for the Alternative 4 water conveyance facilities. Table 12-4-62 summarizes the acreage of modeled vernal pool habitat in the study area and the number of occurrences of each special-status vernal pool ~~plant~~ species in the study area.

Table 12-4-62. Summary of Impacts on Vernal Pool Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Vernal pool complex	9,557	23	—~~0~~	—~~0~~	Habitat loss from construction of the water conveyance facilities and tidal wetland restoration
Degraded vernal pool complex	2,576	380	—~~0~~	—~~0~~	Habitat loss from construction of the water conveyance facilities and tidal wetland restoration
Alkali Seasonal Wetland	188	2	—~~0~~	—~~0~~	Habitat loss from construction of the water conveyance facilities and tidal wetland restoration
Total	12,321	405	—~~0~~	—~~0~~	Habitat loss from construction of the water conveyance facilities and tidal wetland restoration
Covered Species					
Alkali milk-vetch	—~~0~~	—~~0~~	16	1	Population loss from construction of the water conveyance facilities
Dwarf downingia	—~~0~~	—~~0~~	12	0	None
Boggs Lake hedge-hyssop	—~~0~~	—~~0~~	1	0	None
Legenere	—~~0~~	—~~0~~	8	0	None
Heckard's peppergrass	—~~0~~	—~~0~~	4[a]	0	None
Noncovered Species					
Ferris' milk-vetch	—~~0~~	—~~0~~	6	0	None
Vernal pool smallscale	—~~0~~	—~~0~~	2	0	None
Hogwallow starfish	—~~0~~	—~~0~~	0	0	None
Ferris' goldfields	—~~0~~	—~~0~~	4	0	None
Contra Costa goldfields	—~~0~~	—~~0~~	7	0	None
Cotula-leaf navarretia	—~~0~~	—~~0~~	5	0	None
Baker's navarretia	—~~0~~	—~~0~~	3	0	None
Colusa grass	—~~0~~	—~~0~~	1	0	None
Bearded popcorn-flower	—~~0~~	—~~0~~	4	0	None
Delta woolly marbles	—~~0~~	—~~0~~	3	0	None
Saline clover	—~~0~~	—~~0~~	9	0	None
Solano grass	—~~0~~	—~~0~~	1	0	None

[a] One additional occurrence is in alkali seasonal wetlands.

Impact BIO-169: Effects on Habitat and Populations of Vernal Pool Plants

Under Alternative 4, conservation measures would affect habitat for special-status vernal pool ~~plants~~ species and one occurrence of a noncovered vernal pool ~~plant~~species.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: Thirty-four acres of modeled vernal pool habitat, 19.4 acres of critical habitat for Contra Costa goldfields, and one known occurrence of the 17 vernal pool ~~plants~~ species are within the proposed footprint for the Alternative 4 water conveyance facilities. One occurrence of alkali milk-vetch in CZ 8 would be crossed by an electric transmission line. Under Alternative 4, construction and operation of the water conveyance facilities could affect undiscovered occurrences of the five covered vernal pool ~~plants~~ species or the 12 noncovered special-status ~~plants~~species.

  The east-west transmission line would not affect four covered vernal pool species that occur in the study area. One occurrence each of dwarf downingia, legenere, Heckard's peppergrass, and Boggs Lake hedge-hyssop are within the east-west transmission line study area. However, the transmission line would not cross any of the occurrences.

- *CM2 Yolo Bypass Fisheries Enhancement*: No modeled vernal pool habitat and no known occurrences of the 17 vernal pool plant species are within the hypothetical footprint for construction or operation of the Yolo Bypass fisheries enhancements. Therefore, construction and operation of CM2 would not affect the 17 covered or noncovered vernal pool ~~plants~~species.

- *CM3 Natural Communities Protection and Restoration*: The BDCP proposes to benefit covered vernal pool ~~plants~~ species by protecting 600 acres of vernal pool complex in CZs 1, 8, and 11 (Objective VPNC1.1). The protected vernal pool habitat would be managed and enhanced to sustain populations of native vernal pool species. These benefits also would accrue to any noncovered vernal pool ~~plants~~ species occurring in the protected vernal pool complex.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration would result in the inundation of 372 acres of vernal pool complex and would, therefore, potentially affect special-status vernal pool ~~plants~~species. However, most of this habitat (370 acres) consists of degraded vernal pool habitat that is unlikely to contain special-status ~~plants~~species. In addition, 257.8 acres of critical habitat for Contra Costa goldfields could be affected. No known occurrences of covered or noncovered vernal pool ~~plants~~ species would be affected by tidal restoration.

- *CM5 Seasonally Inundated Floodplain Restoration*: No vernal pool habitat or occurrences of special-status vernal pool ~~plants~~ species are present within areas proposed for floodplain restoration. Therefore, floodplain restoration and construction of new floodplain levees would have no impacts on covered and noncovered vernal pool ~~plants~~species.

- *CM6 Channel Margin Enhancement*: No vernal pool habitat or occurrences of special-status vernal pool ~~plants~~ species are present within areas proposed for channel margin habitat enhancement. Therefore, channel margin habitat enhancement would have no impacts on covered and noncovered vernal pool ~~plants~~species.

- *CM7 Riparian Natural Community Restoration*: No vernal pool habitat or occurrences of special-status vernal pool plant species are present within areas proposed for riparian habitat enhancement. Therefore, riparian habitat enhancement would have no impacts on covered and noncovered vernal pool ~~plants~~species.

- *CM8 Grassland Natural Community Restoration*: Although the vernal pool complex habitat includes grassland matrix within which the vernal pools occur, grassland restoration activities would take place in nongrasslands (ruderal habitat, cultivated land) or degraded grasslands that are not included within vernal pool complex habitat. Therefore, grassland communities restoration would have no impacts on covered and noncovered vernal pool plant species.
- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: If, through unforeseen circumstances, BDCP activities result in the net loss of vernal pool habitat, CM9 would be implemented to compensate for that loss. Because vernal pool complex restoration would focus on habitat that had been cleared and leveled but maintained an intact duripan or claypan, the likelihood of affecting any special-status vernal pool plant species would be low. However, vernal pool restoration could adversely affect remnant populations of special-status vernal pool ~~plants~~ species or affect vernal pool habitat adjacent to the restoration areas.
- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid vernal pool habitat and would have no impacts on covered and noncovered vernal pool plant species.
- *~~CM22~~ Avoidance and Minimization Measures*: Effects on covered vernal pool plant species potentially resulting from implementation of Alternative 4 would be avoided or minimized though *AMM11 Covered Plant Species*, *AMM2 Construction Best Management Practices and Monitoring*, *AMM12 Vernal Pool Crustaceans, AMM30 Transmission Line Design and Alignment Guidelines*, and *AMM37 Recreation.* AMM11 prohibits ground disturbance or hydrologic disturbance within 250 feet of existing vernal pools. In addition, AMM11 specifies that individual projects be designed to avoid critical habitat for listed plant and wildlife vernal pool species. AMM12 limits the direct removal of vernal pool crustacean habitat to no more than 10 wetted acres and the indirect effect to no more than 20 wetted acres through the life of the Plan. AMM12 also requires that that tidal natural communities restoration or other ground-disturbing covered activities in Conservation Zones 1 and 11 will not result in the adverse modification of primary constituent elements of critical habitat for vernal pool fairy shrimp, conservancy fairy shrimp, and vernal pool tadpole shrimp. These protections would also apply to critical habitat for Contra Costa goldfields, where it overlaps with critical habitat for these vernal pool crustaceans. AMM30 specifies that the alignment of proposed transmission lines will be designed to avoid sensitive terrestrial and aquatic habitats when siting poles and towers, to the maximum extent feasible. AMM37 requires that new recreation trails avoid populations of covered vernal pool plant species.

In addition, the BDCP includes species-specific goals to benefit covered vernal pool plant species. This includes protecting two occurrences of alkali milk-vetch (Objective VPP1.1) and requiring no net loss of Heckard's peppergrass occurrences (Objective VPP1.2).

In summary, no adverse effects on special-status vernal pool plant species would be expected from implementing Alternative 4. Construction of the water conveyance facilities could affect one species, alkali milk-vetch, although adverse effects on this species would be avoided or minimized though implementation of AMM11 and AMM30. No other known occurrences of special-status vernal pool plant species would be affected under Alternative 4. Beneficial effects on special-status vernal pool

~~plants~~ species could occur by protecting 600 acres of vernal pool complex in CZs 1, 8, and 11 and by protecting occurrences of alkali milk-vetch.

The GIS analysis estimated that up to ~~403~~ 405 acres of vernal pool complex could be adversely affected by covered activities. However, the actual effect on habitat for special-status vernal pool plant species is expected to be much less than the estimated impact because the BDCP limits the total loss of wetted vernal pool habitat resulting from specific projects to 10 acres (approximately 67 acres of vernal pool complex) over the permit term (AMM12). At the proposed restoration ratios of 1:1 (prior to impact) and 1.5:1 (concurrent with impact), between 67 and 100.5 acres of vernal pool complex restoration would be required to compensate for the loss of modeled habitat for special-status vernal pool ~~plants~~ species (Objective VPNC1.2, associated with CM9). This would be consistent with typical NEPA and CEQA project-level mitigation ratios for vernal pool impacts. The limitation on the loss of wetted vernal pool habitat will constrain the implementation of tidal restoration projects that are adjacent to vernal pool complex, which could affect the feasibility of restoring 65,000 acres of tidal habitat (Objective TPANC1.1, associated with CM4).

***NEPA Effects*:** The loss of modeled habitat for vernal pool plant species would be minimized by AMM12 and offset through CM9, and effects of constructing CM1 on one occurrence of alkali milk-vetch would be avoided through AMM30. Therefore, Alternative 4 would not result in adverse effects on covered and noncovered vernal pool plant species.

***CEQA Conclusion*:** Because loss of modeled habitat for vernal pool plant species would be offset through restoration, and because impacts on occurrences of covered vernal pool plants would be avoided, implementation of Alternative 4 would not result in a reduction in the range or numbers of 17 covered and noncovered special-status vernal pool ~~plants~~ species in the study area. Therefore, impacts on covered and noncovered vernal pool plant species would be less than significant. No mitigation is required.

Alkali Seasonal Wetland ~~Plants~~Species

Five covered species and three noncovered ~~plants~~ species occur in alkali seasonal wetlands in the study area (Tables 12-2, 12-3, summarized in Table 12-4-63). Alkali seasonal wetland habitat was modeled separately for four covered plant species occurring in seasonal alkali wetlands.

The San Joaquin spearscale habitat model approximated the distribution of suitable San Joaquin spearscale habitat in the study area according to the species' preferred habitat types, intersected with soil series and slope position. Historical and current records of San Joaquin spearscale in the study area indicate that its current distribution is limited to alkaline soil areas with shallow basin or swale microtopography along the western border of the study area. The vegetation cover of the alkaline soils is typically a combination of alkaline soil-adapted species and annual grasses, including annual ryegrass and Mediterranean barley. Habitat types used for the model included alkali seasonal wetlands, vernal pool complex, and grasslands. Soil series used in the model consisted of either clays or clay loams with alkaline horizons. San Joaquin spearscale typically occurs in swales or in level terrain but occasionally occurs on the lower slopes adjacent to streams or swales or where seeps are present. Because some of the soil series with which San Joaquin spearscale is associated can occur on hillsides, slope was used to limit the extent of the model to the toe of the slope where these soils occur by excluding areas with slope greater than 1%. Land uses that are incompatible with the species' habitat requirements, such as modeled habitat polygons falling on leveled or developed lands, were removed from the model.

Modeled habitat for brittlescale was mapped as hydrologic features such as stream corridors and playa pools located on alluvium associated with the Montezuma Block along the western boundary of the study area or on alluvium associated with tertiary formations located along the southwest boundary of the study area. Stream corridors (intermittent and perennial) that intersected these geologic units were selected and truncated at the point at which they encountered the upper elevation of intertidal marsh. The corridors were buffered 50 feet (15.2 meters) on either side of their centerlines to capture the estimated maximum extent of alluvium deposits in proximity to the streams. Mapped habitat that was occupied by urban or intensive agricultural uses was removed from the model.

The habitat model for heartscale was based on the species distribution in the study area (Solano and Yolo Counties) and on the soil types and plant communities within which it occurs. Potential habitat was determined by intersecting the GIS coverage for three parameters: 1) Yolo and Solano County boundaries; 2) Solano, Pescadero, and Willows soils; and 3) grassland, alkali seasonal wetland, and vernal pool complex natural communities. The model excluded areas that have been developed or cultivated, i.e., where the topography, soils, and hydrology have been substantially altered.

Delta button-celery habitat was modeled as alkali seasonal wetland complex, vernal pool complex, other natural seasonal wetland, and grassland occurring on Brentwood, Grangerville, Marcuse, Solano, and Vernalis soil map units within the San Joaquin Basin (i.e., south of the mainstem San Joaquin River). For this species, land cover north of the Discovery Bay area where intensive agriculture was classified as annual grassland were manually deleted from the area of predicted habitat. Additionally, other areas of potential habitat that have been developed were also manually deleted.

Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit covered alkali seasonal wetland ~~plants~~ species (~~BDCP~~ see Chapter 3, Section 3.3, ~~Conservation Strategy~~*Biological Goals and Objectives*, of the Draft BDCP).

- Of the 150 acres of alkali seasonal wetland complex protected under Objective ASWNC1.1, 600 acres of vernal pool complex protected under Objective VPNC1.1, and 8,000 acres of grassland natural community protected under Objective GNC1.1, protect 75 acres of suitable brittlescale habitat and 75 acres of suitable heartscale habitat in Conservation Zones 1, 8, or 11 (Objective BRIT/HART/SJSC1.1, associated with CM3).
- Protect two currently unprotected occurrences of San Joaquin spearscale in Conservation Zones 1, 8, or 11 (Objective BRIT/HART/SJSC1.2, associated with CM3).

Modeled habitat for Delta button-celery would be adversely affected by construction of the Alternative 4 water conveyance facilities. One population of crownscale also would be adversely affected by construction of the water conveyance facilities. Modeled habitat for brittlescale and heartscale could be adversely affected by tidal habitat restoration. One occurrence each of ~~heartscale~~ San Joaquin spearscale and Heckard's peppergrass could be affected by tidal habitat restoration. No adverse effects on palmate-bracted bird's-beak or recurved larkspur would be expected. Table 12-4-63 summarizes the acreage of modeled alkali seasonal wetland habitat in the study area and the number of occurrences of each special-status alkali seasonal wetland ~~plant~~ species in the study area.

Table 12-4-63. Summary of Impacts on Seasonal Alkali Wetland Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
San Joaquin spearscale modeled habitat	14,933	761	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, construction of Yolo Bypass fisheries enhancements, tidal habitat restoration, and floodplain restoration levee construction
Brittlescale modeled habitat	451	4	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Heartscale modeled habitat	6,528	306	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Delta button-celery modeled habitat	3,361[a]	~~95~~108	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities
Alkali seasonal wetlands	3,723	75	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal restoration and Yolo Bypass Fisheries enhancements
Covered Species					
San Joaquin spearscale	—~~0~~	—~~0~~	19	~~1~~2	Population loss from construction of water conveyance facilities and tidal habitat restoration
Brittlescale	—~~0~~	—~~0~~	8	0	None
Heartscale	—~~0~~	—~~0~~	3	0	None
Delta button-celery	—~~0~~	—~~0~~	1[b]	0	None
Heckard's peppergrass	—~~0~~	—~~0~~	1[c]	1	Population loss from tidal habitat restoration
Noncovered Species					
Crownscale	—~~0~~	—~~0~~	17	1	Population loss from construction of water conveyance facilities
Palmate-bracted bird's-beak	—~~0~~	—~~0~~	1	0	None
Recurved larkspur	—~~0~~	—~~0~~	4	0	None

[a] A portion of this acreage consists of riparian habitat.
[b] A second occurrence in study area is in riparian habitat.
[c] Four additional occurrences of Heckard's peppergrass are associated with vernal pools.

Impact BIO-170: Effects on Habitat and Populations of Alkali Seasonal Wetland Plants ~~Species~~

Alternative 4 would have adverse effects on modeled habitat for San Joaquin spearscale, brittlescale, heartscale, and Delta button-celery. It would also have adverse effects on occurrences of San Joaquin spearscale, Heckard's peppergrass, and crownscale.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: Under Alternative 4, construction of the Byron Tract Forebay would permanently remove ~~69~~78 acres of modeled habitat for San Joaquin spearscale and ~~18~~108 acres of modeled habitat for Delta button-celery. This could be an adverse effect, depending on whether or not the affected modeled habitat is actually occupied by the species. Modeled habitat is assumed to encompass all potential habitat for a species and may therefore overestimate the area actually occupied. One known occurrence of San Joaquin spearscale near the forebay would be affected by facilities construction. Delta button-celery is not known to occur in CZ 8; the nearest known occurrence, in CZ 9, would not be affected.

  Construction of the water conveyance facilities would permanently remove ~~0.2~~about 1.5 acre of habitat occupied by crownscale at the Byron Tract Forebay. ~~Part of the occurrence would be removed, but~~All or most of the occurrence would ~~not~~ be directly affected. ~~However, a reduction of the population size, both in area and number of individuals present, would be an adverse impact.~~

  Construction of the water conveyance facilities would not affect brittlescale, heartscale, Heckard's peppergrass, palmate-bracted bird's-beak, or recurved larkspur.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo Bypass improvements would permanently remove 56 acres of modeled habitat for San Joaquin spearscale. No known occurrences of San Joaquin spearscale would be affected. No modeled habitat and no known occurrences of the seven other alkali seasonal wetland ~~plants~~ species are within the hypothetical footprint for construction or operation of the Yolo Bypass fisheries enhancements.

- *CM3 Natural Communities Protection and Restoration*: Alternative 4 would benefit alkali seasonal wetland ~~plants~~ species by protecting 150 acres of alkali seasonal wetland in Conservation Zones 1, 8, and/or 11. The protected alkali seasonal wetland habitat would be managed and enhanced to sustain populations of native plant species.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration is expected to convert alkali seasonal wetlands on the margins of tidal wetlands to freshwater or brackish tidal marsh. Tidal habitat restoration would convert 622 acres of modeled habitat for San Joaquin spearscale to tidal marsh. Tidal habitat restoration would permanently remove 4 acres of modeled habitat for brittlescale in CZ 1 near Lindsey Slough and in CZ 11 near Nurse Slough; however, the BDCP would allow up to 50 acres of modeled habitat to be converted to tidal wetlands. Tidal habitat restoration would remove 306 acres of modeled habitat for heartscale in CZ 1 in the vicinity of Jepson Prairie and in CZ 11 adjacent to Suisun Marsh. The extent to which the modeled habitat is actually occupied by these species is not known; modeled habitat is assumed to encompass all potential habitat for a species and may therefore overestimate the area actually occupied. Tidal habitat restoration could adversely affect an occurrence of Heckard's peppergrass at Hass Slough and an occurrence of San Joaquin spearscale at Main Prairie, both in CZ 1. These occurrences are based on historic records, and the whether or not the populations still exist is not known. In each case, the loss of modeled habitat and occurrences for covered species would be adverse effects. Delta button celery, crownscale, palmate-bracted bird's-beak, and recurved larkspur would not be affected by tidal habitat restoration.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would result in the removal of ~~2~~5 acres of modeled habitat for San Joaquin spearscale, including 3 acres subject to periodic flooding. No known occurrences of San Joaquin spearscale would be affected. No other alkali seasonal wetland habitat or occurrences of special-status alkali seasonal wetland ~~plants~~ species are present within areas proposed for floodplain restoration. Therefore, floodplain restoration and construction of new floodplain levees would have no impacts on covered and noncovered alkali seasonal wetland plant species.

- *CM6 Channel Margin Enhancement*: No alkali seasonal wetland habitat or occurrences of special-status alkali seasonal wetland plant species are present within areas proposed for channel margin habitat enhancement. Therefore, channel margin habitat enhancement would have no impacts on covered and noncovered alkali seasonal wetland ~~plants~~species.

- *CM7 Riparian Natural Community Restoration*: No alkali seasonal wetland habitat or occurrences of special-status alkali seasonal wetland plant species are present within areas proposed for riparian habitat enhancement. Therefore, riparian habitat enhancement would have no impacts on covered and noncovered alkali seasonal wetland ~~plants~~species.

- *CM8 Grassland Natural Community Restoration*: Although the alkali seasonal wetland habitat includes the grassland matrix within which the wetlands occur, grassland restoration activities would take place in non-grasslands (ruderal habitat, cultivated land) or degraded grasslands that are not included within alkali seasonal wetland habitat. Therefore, grassland communities restoration would have no impacts on covered and noncovered alkali seasonal wetland ~~plants~~species.

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: Although some vernal pools are alkaline, alkali seasonal wetlands in the study area consist of alkali grassland, alkali meadow, or iodine bush scrub. Therefore, vernal pool restoration would avoid alkali seasonal wetland habitat and would have no impacts on covered and noncovered alkali seasonal wetland plant species. In addition, the BDCP would compensate for the loss of alkali seasonal wetlands resulting from other conservation measures by restoring or creating 72 acres of alkali seasonal wetlands in Conservation Zones 1, 8, or 11 to achieve no net loss of this habitat.

- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid alkali seasonal wetland habitat and would have no impacts on covered and noncovered alkali seasonal wetland plant species.

- ~~*CM22*~~ *Avoidance and Minimization Measures*: Effects on special-status alkali seasonal wetland plants potentially resulting from implementation of CM1 and CM4 would be avoided or minimized through *AMM2 Construction Best Management Practices and Monitoring, AMM11 Covered Plant Species, AMM30 Transmission Line Design and Alignment Guidelines*, and *AMM37 Recreation*. Under AMM11, surveys for covered plant specie species would be performed during the planning phase of projects, and any impacts on populations of covered species would be avoided through project design or subsequently minimized though AMM2. In addition, AMM11 prohibits ground disturbance or hydrologic disturbance within 250 feet of existing vernal pools, which would protect those species with modeled habitat that includes vernal pool complex.

> Occurrences of covered species in vernal pools near tidal wetlands would not be affected by tidal habitat restoration where critical habitat for vernal pool species is present and would be avoided under AMM11. AMM30 requires that transmission line construction avoid any losses of alkali seasonal wetland complex natural community. AMM37 requires that new recreation trails avoid populations of covered alkali seasonal wetland ~~plants~~species.

In summary, only one known occurrence of a special-status alkali seasonal wetland species (crownscale) would be affected under Alternative 4, although one historic occurrence of Heckard's peppergrass and one historic occurrence of San Joaquin spearscale could also be affected by tidal restoration activities, if those occurrences still exist. AMM11 would be implemented to avoid an adverse effect on Heckard's peppergrass and San Joaquin spearscale occurrences.

The primary effect of Alternative 4 on special-status alkali seasonal wetland plant species would be the loss of potential (i.e., modeled) habitat for San Joaquin spearscale, brittlescale, heartscale, and Delta button-celery. Approximately ~~72~~ 75 acres of this habitat loss would be alkali seasonal wetlands. The actual effect on modeled habitat for alkali seasonal wetland ~~plants~~ species is expected to be somewhat less than the estimated impact because some of this habitat is composed of vernal pool complex, and the BDCP limits the total loss of wetted vernal pool habitat to 10 acres (approximately 67 acres of vernal pool complex) over the permit term (AMM12). Loss of modeled habitat would be compensated for by restoring or creating vernal pool complex, alkali seasonal wetlands, and grasslands, in proportion to the amount of each habitat removed. At the proposed restoration ratios of 1:1 (prior to impact) and 1.5:1 (concurrent with impact), between 67 and 100.5 acres of vernal pool complex restoration would be required to compensate for the loss of modeled habitat composed of vernal pool complex (Objective VPNC1.2, associated with CM9). Approximately 72 acres of alkali seasonal wetlands would be restored (Objective ASWC1.2, associated with CM9). Loss of modeled habitat composed of grasslands would be compensated for by restoring grassland habitat on a 1:1 basis (Objective GNC1.1, associated with CM8). These compensation levels would be consistent with typical NEPA and CEQA project-level mitigation ratios for impacts on vernal pools, alkali seasonal wetlands, and grasslands.

The BDCP would have a small beneficial effect on special-status alkali seasonal wetland plant species by protecting 150 acres of alkali seasonal wetland habitat. The BDCP also includes the species-specific goal that 75 acres of the protected alkali seasonal wetland habitat would be modeled habitat for brittlescale and heartscale (Objective BRIT/HART/SJSC1.1) and another goal that would protect 2 occurrences of San Joaquin spearscale (Objective BRIT/HART/SJSC1.2). The benefits of habitat protection and management also would accrue to any noncovered alkali seasonal wetland ~~plants~~ species occurring in the protected habitat.

***NEPA Effects*:** Under Alternative 4, loss of modeled habitat for alkali seasonal wetland plant species would be offset through restoration of grassland, vernal pool, and alkali seasonal wetland habitat (CM8, CM9), and impacts on one occurrence of San Joaquin spearscale and one occurrence of Heckard's peppergrass would be avoided through AMM11. With avoidance and habitat restoration, these effects would not be adverse. The loss of ~~two~~ one ~~occurrences~~ occurrence of crownscale, a non-covered species, would result in a reduction in the range and numbers of this species and would be an adverse effect. Adverse effects on crownscale could be avoided or offset through implementation of Mitigation Measure BIO-170.

***CEQA Conclusion*:** Because loss of modeled habitat for alkali seasonal wetland plant species would be offset through restoration, and because impacts on occurrences of covered alkali seasonal wetland ~~plants~~ species would be avoided, impacts on alkali seasonal wetlands as a result of implementing Alternative 4 would not result in substantially reducing the number or restricting the range of five covered and two noncovered alkali seasonal wetland plant species. However, conservation measures that benefit or protect covered species do not apply to noncovered species, and ~~portions~~ loss of the crownscale population at Byron Tract Forebay would ~~be lost, which would be would~~ be a significant impact. Implementation of Mitigation Measure BIO-170 would reduce this impact to a less-than-significant level by conducting surveys and implementing measures to avoid, minimize, or compensate for impacts to noncovered special-status plant species.

Mitigation Measure BIO-170: Avoid, Minimize, or Compensate for Impacts on Noncovered Special-Status Plant Species

DWR will evaluate all projects for their impacts on special-status plant species, avoid or minimize impacts on species that occur on project sites, and compensate for impacts on species. All impacts on federally listed noncovered species, diamond-petaled California poppy, or caper-fruited tropidocarpum shall be avoided. Impacts on other special-status plant species shall be avoided to the extent feasible, and any unavoidable impacts shall be compensated for.

- DWR shall conduct surveys for ~~the~~ special-status plant species within and adjacent to all project sites. Special-status plant surveys required for project-specific permit compliance will be conducted during the planning phase to allow design of the individual restoration projects to avoid adverse modification of habitat for specified covered ~~plants~~species. The purpose of these surveys will be to verify that the locations of special-status ~~plants~~ species identified in previous record searches or surveys are extant, identify any new special-status ~~plant~~ species occurrences, and cover any portions of the project area not previously surveyed. The extent of mitigation of direct loss of or indirect effects on special-status plant species will be based on these survey results.

- All surveys shall be conducted by qualified biologists using the using *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (U.S. Fish and Wildlife Service 1996) and *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (California Department of Fish and Game 2009) during the season that special-status plant species would be evident and identifiable, i.e., during their blooming season. Locations of special-status plant species in proposed construction areas will be recorded using a GPS unit and flagged.

- The construction monitoring plan for the protection of covered fish, wildlife, and plant species, prepared by DWR before implementing an approved project, will provide for construction activity monitoring in areas identified during the planning stages and species/habitat surveys as having noncovered special-status plant species.

- Where surveys determine that a special-status plant species is present in or adjacent to a project site, direct and indirect impacts of the project on the species shall be avoided through the establishment of activity exclusion zones, within which no ground-disturbing activities shall take place, including construction of new facilities, construction staging, or other temporary work areas. Activity exclusion zones for special-status plant species shall be established around each occupied habitat site, the boundaries of which shall be clearly marked with standard orange plastic construction exclusion fencing or its equivalent. The establishment of activity exclusion zones shall not be required if no construction-related disturbances will occur within 250 feet of the occupied habitat site. The size of activity exclusion zones may be reduced through consultation with a qualified biologist and with concurrence from USFWS or CDFW based on project site-specific conditions.

- Where avoidance of impacts on a special-status plant species is infeasible, DWR will compensate for loss of individuals or occupied habitat of a special-status plant species through the acquisition, protection, and subsequent management in perpetuity of other existing occurrences at a 2:1 ratio (occurrences affected:occurrences preserved). DWR will provide detailed information to USFWS and CDFW on the location of the preserved occurrences, quality of the preserved habitat, feasibility of protecting and managing the areas in-perpetuity, responsible parties, and other pertinent information. If suitable occurrences of a special-status plant species are not available for preservation, then the project shall be redesigned to remove features that would result in impacts on that species.

Grassland ~~Plants~~Species

One covered plant species and 11 noncovered special-status plant species occur in grasslands in the study area (Tables 12-2, 12-3, summarized in Table 12-4-64). The only covered plant species occurring in grassland is Carquinez goldenbush. Carquinez goldenbush modeled habitat included hydrological features such as stream corridors on alluvium derived from the Montezuma Formation. Stream corridors (intermittent and perennial) that intersected these geologic units were selected and truncated at the point at which they encountered the upper elevation of intertidal marsh. The corridors were buffered 50 feet (15 meters) on either side in an effort to capture the estimated maximum extent of alluvium deposits in close proximity to the actual rivers/streams.

Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit covered grassland ~~plants~~ species (~~BDCP~~ see Chapter 3, Section 3.3, ~~Conservation Strategy~~*Biological Goals and Objectives*, of the Draft BDCP).

- Protect three unprotected occurrences of the Carquinez goldenbush in Conservation Zones 1 and/or 11 (Objective CGB1.1, associated with CM3).
- Maintain and enhance occupied Carquinez goldenbush habitat to slow erosion and reverse degradation from livestock grazing (Objective CGB1.2, associated with CM11).

Of 78,047 acres of grasslands in the study area, Alternative 4 would adversely affect ~~2,948~~3,449 acres under Alternative 4, including 4 acres that are modeled habitat for Carquinez goldenbush. For 10 of the plant species, no known occurrences would be affected. One of five Parry's rough tarplant occurrences in the study area could be adversely affected by Alternative 4. Table 12-4-64 summarizes the acreage of grassland habitat in the study area and the number of occurrences of each special-status grassland ~~plant~~ species in the study area.

Table 12-4-64. Summary of Impacts on Grassland Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Carquinez goldenbush modeled habitat	1,346	4	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Grassland	78,047	~~2,857~~3,549	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal restoration, Yolo Bypass Fisheries enhancements, floodplain restoration, and construction of conservation hatcheries
Covered Species					
Carquinez goldenbush	—~~0~~	—~~0~~	10	1	Population loss from tidal restoration
Noncovered Species					
Big tarplant	—~~0~~	—~~0~~	5	0	None
Round-leaved filaree	—~~0~~	—~~0~~	2	0	None
Pappose tarplant	—~~0~~	—~~0~~	7	0	None
Parry's rough tarplant	—~~0~~	—~~0~~	5	1	Periodic inundation of one occurrence as a result of Yolo Bypass operations
Small-flowered morning-glory	—~~0~~	—~~0~~	0	0	None
Diamond-petaled poppy	—~~0~~	—~~0~~	1	0	None
Stinkbells	—~~0~~	—~~0~~	1	0	None
Fragrant fritillary	—~~0~~	—~~0~~	4	0	None
Gairdner's yampah	—~~0~~	—~~0~~	0	0	None
Streamside daisy[a]	—~~0~~	—~~0~~	1	0	None
Caper-fruited tropidocarpum	—~~0~~	—~~0~~	8	0	None

[a] This species actually occurs in upland woodland, a habitat that has not been mapped or quantified in the BDCP.

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Alternative 4 could have adverse effects on modeled habitat for Carquinez goldenbush. It could also have adverse effects on one occurrence of Carquinez goldenbush and one occurrence of Parry's rough tarplant. Although Alternative 4 would have no expected effects on known occurrences of the other special-status plant species that occur in grasslands, the loss of ~~2,857~~3,449 acres of grassland would have the potential to affect undocumented populations of special-status grassland species.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: No modeled habitat for Carquinez goldenbush and no known occurrences of the 12 special-status grassland ~~plants~~ species are within the proposed footprint for the Alternative 4 water conveyance facilities. About ~~580~~ 657 acres of grassland habitat would be affected by construction of the water conveyance facilities. However, this grassland habitat consists of small patches of herbaceous ruderal vegetation along levees that do not provide habitat for special-status grassland species. Therefore, under Alternative 4, construction and operation of the water conveyance facilities would not affect the 12 special-status grassland ~~plants~~species.
- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo Bypass fisheries enhancements would remove 627 acres of grassland habitat. Yolo Bypass operations would result in more frequent and longer inundation of 1,597 acres of grasslands in the Yolo Bypass (CZ 2) that include habitat for one occurrence of Parry's rough tarplant. Parry's rough tarplant is a summer-blooming plant that occurs in areas subject to occasional inundation during the wet season, such as swales and seasonal wetlands. Increasing the frequency or duration of inundation may decrease the distribution in some areas by making some conditions too wet but would also expand the distribution into areas that may currently be too dry. Overall, changing the frequency and duration of inundation in the area of this occurrence should not result in a substantial change in the range of numbers of Parry's rough tarplant. Construction and operation of the Yolo Bypass Fisheries enhancements would not affect modeled habitat for Carquinez goldenbush or known occurrences of other special-status grassland ~~plants~~species.
- *CM3 Natural Communities Protection and Restoration*: Alternative 4 would preserve 8,000 acres of grassland habitat, some of which may contain modeled habitat for Carquinez goldenbush. Protection of grassland habitat may also protect undiscovered occurrences of special-status plant species.
- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration would permanently remove 1,122 acres of grassland habitat, including 4 acres of modeled habitat for Carquinez goldenbush along the eastern side of Suisun Marsh. One occurrence of Carquinez goldenbush would be partially affected by tidal restoration. No other known occurrences of special-status grassland plants are within the hypothetical footprint of tidal restoration. Therefore, tidal restoration would have impacts on only one known occurrence of special-status grassland ~~plants~~species.
- *CM5 Seasonally Inundated Floodplain Restoration*: Construction of new floodplain levees would result in the loss of 85 acres of grassland habitat, periodic inundation of the floodplain would affect 513 acres of grassland habitat, and another 399 acres of grassland habitat would be converted to riparian habitat. However, no modeled habitat for Carquinez goldenbush or known occurrences of special-status grassland plants are present within areas proposed for floodplain restoration, and the affected grassland habitat consists of herbaceous ruderal vegetation that does not support special-status grassland plants. Therefore, floodplain restoration and construction of new floodplain levees would have no impacts on covered and noncovered grassland ~~plants~~species.
- *CM6 Channel Margin Enhancement*: No known occurrences of special-status grassland plants are present within areas proposed for channel margin habitat enhancement. Areas mapped as

grassland along levees that would be affected by channel margin habitat enhancement are small patches of ruderal vegetation along levees that do not provide habitat for special-status grassland species and are not modeled habitat for Carquinez goldenbush. Therefore, channel margin habitat enhancement would have no impacts on covered and noncovered grassland ~~plants~~species.

- *CM7 Riparian Natural Community Restoration*: No modeled habitat for Carquinez goldenbush or known occurrences of special-status grassland plants are present within areas proposed for riparian habitat enhancement. Therefore, riparian habitat enhancement would have no impacts on covered and noncovered grassland ~~plants~~species.

- *CM8 Grassland Natural Community Restoration*: Grassland restoration would restore 2,000 acres of grassland habitat. Restoration activities would take place in non-grasslands (ruderal habitat, cultivated land) or degraded grasslands. These areas do not currently provide habitat for special-status grassland plants. Therefore, grassland communities restoration would have no impacts on covered and noncovered grassland ~~plants~~species.

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: Vernal pool complex includes vernal pools as well as the surrounding grassland matrix. Because the habitat to be restored would consist of areas of former vernal pool complex that have been leveled for cultivation, special-status grassland plants would not be present. Therefore, vernal pool complex restoration would not affect special-status grassland ~~plants~~species.

- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid grassland habitat and would have no impacts on covered and noncovered grassland ~~plants~~species.

- *CM18 Conservation Hatcheries*: Construction of the conservation hatcheries would remove 35 acres of grassland habitat. The removed habitat would consist of ruderal herbaceous vegetation that would not be likely to provide habitat for special-status grassland plants. Therefore, construction of the conservation hatcheries would not be expected to affect special-status grassland ~~plants~~species.

- ~~*CM22*~~ *Avoidance and Minimization Measures*: Effects on Carquinez goldenbush potentially resulting from implementation of CM4 and potential effects on undiscovered populations of special-status grassland plants would be avoided or minimized though *AMM11 Covered Plant Species, AMM2 Construction Best Management Practices and Monitoring*, and *AMM37 Recreation*. Under AMM11, surveys for covered plant species would be performed during the planning phase of projects, and any impacts on populations of covered species would be avoided through project design or subsequently minimized through AMM2. AMM37 requires that new recreation trails would avoid populations of Carquinez goldenbush.

The primary effect of Alternative 4 on special-status grassland plant species is the loss of potential (i.e., modeled) habitat for Carquinez goldenbush, including part of one occurrence. Adverse effects on the occurrence will be minimized through AMM11. Protecting three unprotected occurrences of Carquinez goldenbush (Objective CGB1.1, associated with CM3) and maintaining and enhancing occupied habitat for Carquinez goldenbush (Objective CGB1.2, associated with CM11) would compensate for any residual effects. One occurrence of Parry's rough tarplant would be affected by CM2, but the effect is not expected to be adverse. No known occurrences of the other special-status grassland ~~plants~~ species would be affected.

The BDCP would have a potential beneficial effect on special-status grassland plants by protecting 8,000 acres of grassland habitat. To ensure that this habitat preservation would specifically benefit Carquinez goldenbush, the Plan proposes to protect at least three Carquinez goldenbush occurrences in CZs 1 and 11 that are currently not protected and to maintain and enhance occupied Carquinez goldenbush habitat. The preservation of modeled or potential habitat, together with avoidance and minimization of impacts on species occurrences, would reduce any effects of BDCP implementation on covered grassland ~~plants~~ species to a level that is no longer adverse.

NEPA Effects: The loss of modeled and occupied habitat for Carquinez goldenbush would be offset through CM3, CM8, and CM11. Therefore, implementation of Alternative 4 would result in no adverse effects on special-status grassland plant species.

CEQA Conclusion: Because adverse effects on special-status grassland plant species would be avoided or compensated for, Alternative 4 would not result in substantially reducing the numbers or restricting the range of one covered or 11 noncovered special-status grassland ~~plants~~species, and this impact would be less than significant. No mitigation is required.

Valley/Foothill Riparian ~~Plants~~Species

Two covered plants and two noncovered special-status plant species occur in valley/foothill riparian habitat in the study area (Tables 12-2, 12-3, summarized in Table 12-4-65). The valley/foothill riparian habitat model for Delta button-celery and slough thistle was mapped as all of the study area along the flood plain of the San Joaquin River between the levees from the Mossdale Bridge to Vernalis. Whether or not this modeled habitat is actually occupied by Delta button-celery and slough thistle is unknown; all known occurrences of these species within the area of modeled habitat are believed to be extirpated.

Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit covered valley/foothill riparian plants (~~BDCP~~ see Chapter 3, Section 3.3, ~~Conservation Strategy~~*Biological Goals and Objectives*, of the Draft BDCP).

- Protect and enhance two occurrences of delta button celery. If occurrences are not found in the Plan Area, establish self-sustaining occurrences of delta button celery for a total of two occurrences within the restored floodplain habitat on the mainstem of the San Joaquin River in Conservation Zone 7 between Mossdale and Vernalis. (Objective DBC1.1, associated with CM3 and CM11).
- Protect and enhance two occurrences of slough thistle. If occurrences are not found in the Plan Area, establish self-sustaining occurrences of slough thistle for a total of two occurrences within the 10,000 acres of restored floodplain on the mainstem of the San Joaquin River in Conservation Zone 7 between Mossdale and Vernalis (Objective ST1.1: associated with CM3 and CM11).

Of 17,966 acres of valley/foothill riparian habitat in the study area, Alternative 4 would ~~adversely~~ affect 869 acres, including ~~15~~ 33 acres that are modeled habitat for Delta button-celery and 11 acres that are modeled habitat for slough thistle. Table 12-4-65 summarizes the acreage of modeled habitat for Delta button-celery and slough thistle and the number of occurrences of each special-status riparian ~~plant~~ species in the study area.

Table 12-4-65. Summary of Impacts on Valley/Foothill Riparian Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Delta button-celery modeled habitat	3,361a	~~15~~33	—~~0~~	—~~0~~	Habitat loss from floodplain restoration
Slough thistle modeled habitat	1,834	11	—~~0~~	—~~0~~	Habitat loss from floodplain restoration
Valley/foothill riparian habitat	17,966	~~869~~1,145	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal restoration, Yolo Bypass fisheries enhancements, and floodplain restoration
Covered Species					
Delta button-celery	—~~0~~	—~~0~~	1b	1	Occurrence potentially affected by floodplain restoration
Slough thistle	—~~0~~	—~~0~~	2	2	Occurrences potentially affected by floodplain restoration
Noncovered Species					
Northern California black walnut	—~~0~~	—~~0~~	1	0	None
Wright's trichocoronis	—~~0~~	—~~0~~	1	0	None

[a] A portion of this acreage consists of alkali seasonal wetland
[b] A second occurrence is in alkali seasonal wetland

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No extant occurrences of Delta button-celery, slough thistle, Northern California black walnut, or Wright's trichocoronis are present in the study area. Therefore, no impacts on special-status valley/foothill riparian plant species are expected. Modeled habitat for Delta button-celery and slough thistle, which may support undocumented occurrences of these species, would be affected by restoration of seasonally inundated floodplain.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: Construction of the water conveyance facilities would remove ~~43~~73 acres of valley-foothill riparian habitat under Alternative 4. However, no modeled habitat and no known occurrences of the four special-status valley/foothill riparian ~~plants~~ species are within the proposed footprint for the Alternative 4 water conveyance facilities. Therefore, under Alternative 4, construction and operation of the water conveyance facilities would not affect covered or noncovered special-status valley/foothill riparian ~~plants~~species.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction and operation of the Yolo Bypass fisheries enhancements would adversely affect 378 acres of valley/foothill riparian habitat. However, no modeled habitat and no known occurrences of the four special-status valley/foothill riparian ~~plants~~ species are within the hypothetical footprint for construction or operation of the Yolo Bypass fisheries enhancements. Therefore, construction and operation of the Yolo Bypass Fisheries enhancements would not affect the covered or noncovered valley/foothill riparian ~~plants~~species.

- *CM3 Natural Communities Protection and Restoration*: Alternative 4 would protect 552 acres of existing valley/foothill riparian forest in CZ 7. This action would have no substantial effects on special-status valley/foothill plant species because no extant occurrences of special-status valley/foothill ~~plants~~ species are present in the study area.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration would inundate 552 acres of valley/foothill riparian habitat. However, no modeled habitat and no known occurrences of the four special-status valley/foothill riparian ~~plants~~ species are within the hypothetical footprint for tidal restoration. Therefore, tidal restoration would not affect the covered or noncovered valley/foothill riparian ~~plants~~species.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would remove 78 acres of valley/foothill riparian habitat, including 15 acres of modeled habitat for Delta button-celery along the San Joaquin River in CZ 7. In addition, floodplain restoration would result in more frequent and longer inundation of 18 acres of modeled habitat for Delta button-celery in this area. The area affected contains one historic occurrence of Delta button celery. This occurrence is considered to be extirpated, because all habitat for Delta button-celery at his location has been converted to agriculture (California Department of Fish and Wildlife 2013). Therefore, Alternative 4 would not have an adverse effect on Delta button celery in CZ 7.

  The BDCP proposes to benefit Delta button-celery at this location by restoring 5,000 acres of valley/foothill riparian habitat and re-introducing two occurrences of Delta button-celery. Although Delta button celery occurs in riparian habitat, it is not associated with woodland or scrub habitats; rather, it occurs in alkali seasonal wetlands in floodplains, which may or may not also contain adjacent woody riparian habitat. Restoring habitat for Delta button-celery may not be compatible with restoring woody riparian habitat. In addition, establishing new populations of Delta button-celery is an untried, unproven procedure and may not be feasible. Therefore, any beneficial effects on Delta button-celery would be speculative.

  Floodplain restoration levee construction would remove 11 acres of modeled habitat for slough thistle and would result in more frequent and longer inundation of 6 acres of modeled habitat for slough thistle along the San Joaquin River in CZ 7. However, the BDCP would allow up to 50 acres of modeled habitat to be converted to riparian habitat. Whether the affected modeled habitat is actually occupied by slough thistle is not known; however, of two historic occurrences of slough thistle present in the study area, only one is considered to be extirpated (California Department of Fish and Wildlife 2013). The BDCP would protect and enhance two occurrences of slough thistle. If occurrences are not found in the study area, then two, self-sustaining occurrences of slough thistle would be established using locally-sourced genetic material for a total of two occurrences within the restored floodplain habitat on the main stem of the San Joaquin River in Conservation Zone 7 between Mossdale and Vernalis. Establishing new populations of slough thistle is an untried, unproven procedure and may not be feasible. Therefore, any beneficial effects on slough thistle would be speculative.

One historic occurrence of Wright's trichocoronis in the study area near Lathrop (CZ 7) could also be affected by floodplain restoration. The occurrence is presumed to be extant because the presence or absence of suitable habitat has not been verified by field surveys (California Department of Fish and Wildlife 2013). However, the species has not been observed at this location for nearly a century, and habitat for Wright's trichocoronis, which would have been similar to that for Delta button celery and slough thistle, no longer appears to be present in aerial photographs of the area. Therefore, Alternative 4 would not be expected to have an adverse effect on Wright's trichocoronis.

- *CM6 Channel Margin Habitat Enhancement*: No modeled habitat or occurrences of special-status valley/foothill riparian ~~plants~~ species are present within areas proposed for channel margin habitat enhancement. Therefore, channel margin habitat enhancement would have no impacts on covered and noncovered valley/foothill riparian ~~plants~~species.
- *CM7 Riparian Natural Community Restoration*: No extant occurrences of special-status valley/foothill riparian ~~plants~~ species are present within areas proposed for riparian habitat restoration. Therefore, riparian habitat restoration would have no impacts on covered and noncovered valley/foothill riparian ~~plants~~species.
- *CM8 Grassland Natural Community Restoration*: No occurrences of special-status valley/foothill riparian ~~plants~~ species are present within areas proposed for grassland communities restoration. Therefore, grassland communities restoration would have no impacts on covered and noncovered valley/foothill riparian ~~plants~~species.
- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: No occurrences of special-status valley/foothill riparian ~~plants~~ species are present within areas proposed for vernal pool and alkali seasonal wetland complex restoration. Therefore, vernal pool complex restoration would have no impacts on covered and noncovered valley/foothill riparian ~~plants~~species.
- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid valley/foothill riparian habitat and would have no impacts on covered and noncovered valley/foothill riparian ~~plants~~species.
- *~~CM22~~ Avoidance and Minimization Measures*: Effects on Delta button-celery and slough thistle potentially resulting from implementation of CM5 would be avoided or minimized though *AMM11 Covered Plant Species* and *AMM2 Construction Best Management Practices and Monitoring*. Under AMM11, surveys for covered plant species would be performed during the planning phase of projects, and any impacts on populations of covered species would be avoided through project design or subsequently minimized though AMM2.

Because no extant occurrences of special-status valley/foothill riparian plant species are known to occur in the study area, Alternative 4 is not expected to adversely affect any special-status valley/foothill riparian plants. Modeled habitat for both Delta button-celery and slough thistle would be affected. Under AMM11, surveys for covered plant species would be performed during the planning phase for floodplain restoration. If Delta button-celery or slough thistle were found to be present in the floodplain restoration area, then the project would be designed to avoid impacts on the populations. Therefore, Alternative 4 would not have an adverse effect on these species.

The BDCP proposes to benefit Delta button-celery and slough thistle by restoring 5,000 acres of valley/foothill riparian habitat and re-introducing two occurrences of both species. Establishing new populations of Delta-button-celery or slough thistle would be a beneficial effect. However, establishing new populations is an untried, unproven procedure and may not be feasible.

NEPA Effects: Implementation of the BDCP under Alternative 4 would not have an adverse effect on special-status valley/foothill riparian plant species.

CEQA Conclusion: Under Alternative 4, the BDCP would not result in a reduction in the range and numbers of covered and noncovered valley/foothill riparian plant species because no extant occurrences of special-status valley/foothill riparian plant species are known to occur in the study area and because implementation of AMMs would include surveys for covered plant species and measures to avoid or minimize potential impacts through project design. This impact would be less than significant. No mitigation is required.

Tidal Wetland ~~Plants~~Species

Seven covered plants and one noncovered special-status plant species occur in tidal wetlands in the study area (Tables 12-2, 12-3, summarized in Table 12-4-66). Five tidal wetland habitat models were developed for the seven covered plant species occurring in tidal wetland habitat.

Modeled habitat for Mason's lilaeopsis and Delta mudwort was mapped as areas within 10 feet (3 meters) on either side of the landward boundary of tidal perennial aquatic land cover type, which was obtained from the BDCP GIS vegetation data layer.

The side-flowering skullcap model mapped the distribution of suitable habitat in the study area according to the species' habitat association with woody riparian habitat. The model selected Delta riparian vegetation types providing the habitat characteristics that side-flowering skullcap seems to require, namely, woody substrate in freshwater tidal areas. The model included vegetation subunits of the BDCP Valley Riparian natural community characterized by California dogwood, white alder, and arroyo willow.

The modeled habitat for soft bird's-beak consisted of pickleweed- and saltgrass-dominated vegetation units located west of the Antioch Bridge. Modeled habitat for these two plant species was mapped as areas within 10 feet (3 meters) on either side of the landward boundary of tidal perennial aquatic land cover types. The model used all Tidal Brackish Emergent Wetland polygons that were limited by specific vegetation units that are known to be closely associated with soft bird's-beak habitat.

Habitat for Delta tule pea and Suisun Marsh aster was modeled separately based on the salinity of the water. For the tidal freshwater emergent wetland BDCP land cover type, modeled habitat was mapped as the area within 10 feet (3 meters) of the landward side of the landward boundary, exclusively where this land cover type is adjacent to grassland, vernal pool complex, valley/foothill riparian, or cultivated land habitats cover types. For brackish water areas in and near Suisun Marsh, the model used all tidal brackish emergent wetland polygons within an elevation range of 7 to 10 feet (2 to 3 meters) to capture elevations 1 foot (30 centimeters) below intertidal to 2 feet (60 centimeters) above intertidal.

The modeled habitat for Suisun thistle in and near Suisun Marsh consists of all tidal brackish emergent wetland polygons with the appropriate vegetation. This included vegetation units dominated by saltscale, saltgrass, pickleweed, and broad-leaved peppergrass.

Full implementation of Alternative 4 would include the following conservation actions over the term of the BDCP to benefit covered tidal wetland ~~plants~~ species (~~BDCP~~ see Chapter 3, Section 3.3, ~~Conservation Strategy~~*Biological Goals and Objectives*, of the Draft BDCP).

- No net loss of Mason's lilaeopsis and delta mudwort occurrences within restoration sites, or within the area of affected tidal range of restoration projects (Objective DMW/ML1.1, associated with CM4 and CM11).
- No net loss of Delta tule pea and Suisun Marsh aster occurrences within restoration sites (Objective DTP/SMA1.1, associated with CM4 and CM11).
- Restore tidal inundation to wetlands in the Hill Slough Ecological Reserve and to the ponded area at Rush Ranch (Objective SBB/SuT1.1, associated with CM4).
- Complete seed banking of all existing Suisun Marsh populations and the representative genetic diversity using accepted seed banking protocols (Objective SBB/SuT1.2, associated with CM11).
- Establish a cultivated population of Suisun thistle from wild seed using accepted seed collection protocols (Objective SBB/SuT1.3, associated with CM11).
- Establish two occurrences of Suisun thistle in Conservation Zone 11 (Objective SBB/SuT1.4, associated with CM11).

Of 17,357 acres of tidal wetlands in the study area, Alternative 4 would affect 25 acres, including areas that are modeled habitat for Mason's lilaeopsis, Delta mudwort, side-flowering skullcap, Delta tule pea, Suisun Marsh aster, soft bird's-beak, and Suisun thistle. Known occurrences of all of these species would be affected. In addition, three occurrences of Bolander's water-hemlock, a noncovered special-status ~~plant~~species, could be affected by tidal habitat restoration. Table 12-4-66 summarizes the acreage of modeled habitat for covered tidal wetland species and the number of occurrences of each special-status tidal wetland ~~plants~~ species in the study area.

Table 12-4-66. Summary of Impacts on Tidal Wetland Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Delta mudwort/ Mason's lilaeopsis modeled habitat	6,081	~~43~~65	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal habitat restoration, Yolo Bypass fisheries enhancements, and floodplain restoration
Side-flowering skullcap modeled habitat	2,497	~~13~~20	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal habitat restoration, and floodplain restoration
Soft bird's-beak modeled habitat	1,228	73	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Delta tule pea/Suisun Marsh aster modeled habitat	5,853	5	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal habitat restoration, Yolo Bypass fisheries enhancements, and floodplain restoration
Suisun thistle modeled habitat	1,281	73	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Tidal brackish emergent wetland	8,501	~~1~~0	—~~0~~	—~~0~~	Habitat loss from tidal habitat restoration
Tidal freshwater emergent wetland	8,856	~~24~~29	—~~0~~	—~~0~~	Habitat loss from construction of water conveyance facilities, tidal habitat restoration, Yolo Bypass fisheries enhancements, and floodplain restoration
Covered Species					
Delta mudwort	—~~0~~	—~~0~~	58	3	Occurrences affected by tidal habitat restoration
Delta tule pea	—~~0~~	—~~0~~	106	~~28~~26	Occurrences affected by tidal habitat restoration
Mason's lilaeopsis	—~~0~~	—~~0~~	181	~~22~~23	Occurrences affected by construction of water conveyance facilities and tidal habitat restoration
Side-flowering skullcap	—~~0~~	—~~0~~	12	~~2~~1	Occurrence~~s~~ affected by construction of water conveyance facilities
Soft bird's-beak	—~~0~~	—~~0~~	13	7	Occurrences affected by tidal habitat restoration
Suisun Marsh aster	—~~0~~	—~~0~~	164	29	Occurrences affected by construction of water conveyance facilities and tidal habitat restoration
Suisun thistle	—~~0~~	—~~0~~	4	0	None
Noncovered Species					
Bolander's water hemlock	—~~0~~	—~~0~~	8	3	Occurrences affected by tidal habitat restoration

Impact BIO-173: Effects on Habitat and Populations of Tidal Wetland Plants ~~Species~~

Alternative 4 would have adverse effects on tidal marsh special-status plant species through implementation of CM1, CM2, CM4, and CM5. No adverse effects are expected from implementation of CM3, or CM6–CM9.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: Construction of the Alternative 4 water conveyance facilities would remove ~~34~~ 39 acres of modeled habitat for delta mudwort and Mason's lilaeopsis, ~~4~~9 acres of modeled habitat for side-flowering skullcap, and 2 acres of modeled habitat for Delta tule pea and Suisun Marsh aster. The extent to which modeled habitat is actually occupied by these species is not known; however, ~~two occurrences of Delta tule pea,~~ ~~seven~~eight occurrences of Mason's lilaeopsis, three occurrences of Suisun Marsh aster, and ~~two occurrences~~one occurrence of side-flowering skullcap in the study area could be affected by construction impacts. No known occurrences of the other covered and noncovered tidal wetland species would be affected by construction of the water conveyance facilities.

- *CM2 Yolo Bypass Fisheries Enhancement*: Construction of the Yolo Bypass fisheries enhancements would remove 5 acres of modeled habitat for Mason's lilaeopsis and delta mudwort. The extent to which modeled habitat is actually occupied by these species is not known; however, no known occurrences in the study area would be affected. Yolo Bypass operations would result in more frequent and longer inundation of 8 acres of modeled habitat Delta tule peas and Suisun Marsh aster. Two occurrences of Suisun Marsh aster could be affected by Yolo Bypass operations. Habitat for these species is normally periodically inundated or saturated; therefore, a small increase in the frequency and duration of periodic inundation of the habitat would not be expected to have a substantial effect.

- *CM3 Natural Communities Protection and Restoration*: The BDCP proposes restoring or creating 20 linear miles of transitional tidal areas within other natural communities that would be created or restored, including 3,000 acres of tidal brackish emergent wetland and 13,900 acres of tidal freshwater emergent wetland. In addition, the habitat and ecosystem functions of these areas would be maintained and enhanced. The BDCP does not specifically propose to protect any occurrences of covered tidal wetland ~~plants~~ species nor does it propose active restoration of affected habitat or occurrences. Instead, the BDCP assumes that the 20 linear miles of restored transitional tidal areas will be passively colonized by the covered tidal wetland ~~plants~~species.

- *CM4 Tidal Natural Communities Restoration*: Tidal habitat restoration would permanently remove 6 acres of modeled habitat for Mason's lilaeopsis and Delta mudwort. Habitat loss would occur through conversion of the species habitat (at and immediately above the tidal zone in marshes and along rivers and streams) to inundated tidal habitat. The extent to which modeled habitat is actually occupied by the species is not known; however, 14 of 181 known occurrences of Mason's lilaeopsis and three of 58 known occurrences of delta mudwort in the study area could be affected by tidal habitat restoration.

  Tidal habitat restoration would remove 4 acres of modeled habitat for side-flowering skullcap. Whether the affected modeled habitat is actually occupied by side-flowering skullcap is not known; however, none of the 12 known occurrences in the study area would be affected.

Tidal habitat restoration would remove 2 acres of modeled habitat for Delta tule pea and Suisun Marsh aster. Habitat loss would result from conversion of the species habitat (at and immediately above the tidal zone in marshes and along rivers and streams) to inundated tidal habitat. However, the BDCP would allow up to 50 acres of modeled habitat to be converted to inundated tidal habitat. The extent to which modeled habitat is actually occupied by the species is not known; however, 26 of 112 known occurrences of Delta tule pea and 23 of 145 occurrences of Suisun Marsh aster in the study area could be affected.

Tidal habitat restoration could affect 73 acres of modeled habitat for soft bird's-beak and Suisun thistle, including 1.3 acres of critical habitat. The extent to which modeled habitat is actually occupied by the species is not known; however, seven of 13 known occurrences of soft bird's-beak in the study area could be affected. None of the four known occurrences of Suisun thistle in the study area would be affected.

Tidal habitat restoration could affect three of eight known occurrences of Bolander's water-hemlock, a noncovered special-status species in the study area. Because Bolander's water-hemlock occurs in tidal marsh, it may benefit from tidal marsh restoration. However, site preparation, earthwork, and other site activities could adversely affect Bolander's water-hemlock through direct habitat removal.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would remove 3 acres of modeled habitat for Mason's lilaeopsis and delta mudwort and 2 acres of modeled habitat for side-flowering skullcap. No known occurrences of these species in the study area would be affected by floodplain restoration.

  Floodplain restoration would result in more frequent and longer inundation of ~~2~~12 acres of modeled habitat for Mason's lilaeopsis and delta mudwort, ~~18~~ 6 acres of modeled habitat for side-flowering skullcap, and 1 acre of modeled habitat for Delta tule peas and Suisun Marsh aster. No known occurrences of these species in the study area would be affected by periodic inundation of restored floodplain habitat. Habitat for these species is normally periodically inundated or saturated; therefore, a small increase in the frequency and duration of periodic inundation of the habitat would not be expected to have a substantial effect.

- *CM6 Channel Margin Enhancement*: Effects of channel margin enhancement were not analyzed separately from the effects of tidal habitat restoration. Channel margin enhancement would have adverse effects on tidal wetland plants through direct removal and habitat modification. However, it would have beneficial effects on these species by improving the habitat functions for these species as a result of riprap removal and creation of floodplain benches. Side-flowering skullcap would benefit from installation of large woody material, which it appears to colonize.

- *CM7 Riparian Natural Community Restoration*: Riparian habitat restoration is not expected to adversely affect special-status tidal wetland plants. Preparatory work that involves habitat disturbance would occur during implementation of CM4 and CM5. Riparian plantings carried out for CM7 would be placed in floodplain areas, not in tidal wetlands.

- *CM8 Grassland Natural Community Restoration*: No tidal wetlands or occurrences of special-status tidal wetland plants are present within areas proposed for grassland communities restoration. Therefore, grassland communities restoration would have no impacts on covered and noncovered tidal wetland ~~plants~~species.

- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: No tidal wetlands or occurrences of special-status tidal wetland ~~plants~~ species are present within areas proposed for vernal pool complex restoration. Therefore, vernal pool complex restoration would have no impacts on covered and noncovered tidal wetland ~~plants~~species.

- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid tidal wetland habitat and would have no impacts on covered and noncovered tidal wetland ~~plants~~species.
- ~~*CM22*~~ *Avoidance and Minimization Measures*: Effects on covered tidal wetland plant species potentially resulting from implementation of CM1, CM2, CM4, and CM5 would be avoided or minimized though *AMM11 Covered Plant Species, AMM2 Construction Best Management Practices and Monitoring, AMM30 Transmission Line Design and Alignment Guidelines*, and *AMM37 Recreation*. Under AMM11, surveys for covered plant species would be performed during the planning phase of projects, and any impacts on populations of covered species would be avoided through project design or subsequently minimized though AMM2. In addition, AMM11 contains specific guidance to avoid adverse modification of any of the primary constituent elements for Suisun thistle or soft bird's-beak critical habitat. AMM30, which specifies that the alignment of proposed transmission lines will be designed to avoid sensitive terrestrial and aquatic habitats when siting poles and towers, to the maximum extent feasible, would avoid some impacts on Mason's lilaeopsis and side-flowering skullcap. AMM37 requires that new recreation trails avoid populations of covered tidal wetland ~~plants~~species.

In summary, the GIS analysis indicates that Alternative 4 would result in the loss of modeled habitat for all of the covered species and result in adverse effects on known occurrences of all of the special-status ~~plants~~ species occurring in tidal wetlands. However, the BDCP predicts that habitat restoration activities would greatly expand the amount of habitat available to each of these species, offsetting any potential loss of habitat or occurrences resulting from covered activities.

Delta mudwort could lose ~~43~~65 acres of modeled habitat (~~0.7~~1.1%), including all or part of three occurrences. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by Delta mudwort, which could offset this habitat loss. Channel margin enhancement (CM6) and riparian natural community restoration (CM7) will also consider the potential for creating habitat for Delta mudwort; creation of suitable habitat under these measures could also help offset this habitat loss. Although active restoration of this species is not proposed, the BDCP predicts that natural expansion of populations into the restored habitat would take place and result in no net loss of occurrences (Objective DMW/ML1.1, associated with CM11). Post-implementation monitoring of affected occurrences and occurrences in reserve lands would be done to confirm that no net loss of occurrences has been achieved (Monitoring Action CM11-21, associated with CM11).

Mason's lilaeopsis could lose ~~43~~ 65 acres of modeled habitat (~~0.7~~1.1%), including all or part of ~~22~~23 occurrences. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by Mason's lilaeopsis, which could offset this habitat loss. Channel margin enhancement (CM6) and riparian natural community restoration (CM7) will also consider the potential for creating habitat for Mason's lilaeopsis; creation of suitable habitat under these measures could also help offset this habitat loss. Although active restoration of this species is not proposed, the BDCP predicts that natural expansion of populations into the restored habitat would take place and result in no net loss of occurrences (Objective DMW/ML1.1, associated with CM11). Post-implementation monitoring of affected occurrences and occurrences in reserve lands would be done to confirm that no net loss of occurrences has been achieved (Monitoring Action CM11-21, associated with CM11).

Delta tule pea could lose 5 acres of modeled habitat (0.08%), including all or part of ~~28~~ 26 occurrences. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by Delta tule pea, which could offset this habitat loss. Channel margin enhancement (CM6) and riparian natural community restoration (CM7) will also consider the potential for creating habitat for Delta tule pea; creation of suitable habitat under these measures could also help offset this habitat loss. Although active restoration of this species is not proposed, the BDCP predicts that natural expansion of populations into the restored habitat would take place and result in no net loss of occurrences (Objective DTP/SMA1.1, associated with CM11). Post-implementation monitoring of affected occurrences and occurrences in reserve lands would be done to confirm that no net loss of occurrences has been achieved (Monitoring Action CM11-22, associated with CM11).

Suisun Marsh aster could lose 5 acres of modeled habitat (0.08%), including all or part of 29 occurrences. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by Suisun Marsh aster, which could offset this habitat loss. Channel margin enhancement (CM6) and riparian natural community restoration (CM7) will also consider the potential for creating habitat for Suisun marsh aster; creation of suitable habitat under these measures could also help offset this habitat loss. Although active restoration of this species is not proposed, the BDCP predicts that natural expansion of populations into the restored habitat would occur and result in no net loss of occurrences (Objective DTP/SMA1.1, associated with CM11). Post-implementation monitoring of affected occurrences and occurrences in reserve lands would be done to confirm that no net loss of occurrences has been achieved (Monitoring Action CM11-22, associated with CM11).

All four of these species (Delta mudwort, Mason's lilaeopsis, Delta tule pea, and Suisun Marsh aster) are widespread in the study area with many occurrences. Habitat modification and loss are the primary stressors that are responsible for their decline and that currently limit their distribution and abundance. Therefore, restoring large areas of habitat and improving habitat functions for these species would provide a reasonable expectation that the distribution and abundance of these species would also improve. Because a relatively small amount of modeled habitat would be adversely affected (less than 1% of the total), it is likely that the initial adverse effects of covered activities on these species would be offset and that the overall effect of Alternative 4 on these species would not be adverse.

Side-flowering skullcap could lose ~~13~~ 20 acres of modeled habitat (~~0.5~~0.8%), including all or part of ~~two occurrences~~one occurrence. One occurrence would be avoided through implementation of AMM30. The location of a second potentially affected occurrence, which was last observed in 1892, is not known precisely. Under AMM11, this occurrence would be surveyed for, and because this is a tidal freshwater wetland species, avoidance of the habitat during project construction would be highly likely. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by side-flowering skullcap, which could offset this habitat loss. Channel margin enhancement (CM6) and riparian natural community restoration (CM7) will also consider the potential for creating habitat for side-flowering skullcap; creation of suitable habitat under these measures could also help offset this habitat loss. No active restoration of this species is proposed, and no post-implementation monitoring of affected occurrences and occurrences in reserve lands would be done. Because impacts on occurrences of side-flowering skullcap would be avoided, and because loss of modeled habitat for the species would be offset through restoration, the overall effect of Alternative 4 on this species would not be adverse.

Soft bird's-beak could lose 73 acres of modeled habitat (6%), including all or part of seven occurrences. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by soft bird's-beak, which could offset this habitat loss. Tidal restoration in the Hill Slough Ecological Reserve would be done to increase potential habitat there for soft bird's-beak (Objective SBB/SuT1.1, associated with CM4). In addition, activities to control invasive plants and manage livestock in tidal marsh habitat under CM11 could enhance habitat for soft bird's-beak. Although no active restoration of this species is proposed, post-implementation monitoring of soft bird's-beak occurrences in proximity to tidal restoration sites would be done to confirm that occurrences are stable or increasing (Monitoring Action CM11-22, associated with CM11). Soft bird's-beak has a restricted distribution in the study area with highly localized occurrences, and habitat modification is the primary factor responsible for the species' decline and limiting the species' distribution and abundance. Improving habitat functions for this species would provide a reasonable expectation that the distribution and abundance of soft bird's-beak would also improve. Although a substantial amount of modeled habitat could be affected, the primary habitat for soft bird's-beak is high tidal brackish marsh, and the affected habitat is low tidal brackish marsh. Therefore, it is likely that the overall effect of Alternative 4 on this species would not be adverse.

Suisun thistle could lose 73 acres of modeled habitat (6%), although no occurrences would be affected. The BDCP predicts that tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) would increase the extent of habitat available for colonization by Suisun thistle, which could offset this habitat loss. Tidal restoration in the Hill Slough Ecological Reserve and at Rush Ranch would be done to increase potential habitat there for Suisun thistle (Objective SBB/SuT1.1, associated with CM4). In addition, activities to control invasive plants and manage livestock in tidal marsh habitat under CM11 could enhance habitat for Suisun thistle. In addition, two new occurrences of Suisun thistle would be established in CZ 11 (Objective SBB/SuT1.4, associated with CM11). Post-implementation monitoring of Suisun thistle occurrences in proximity to tidal restoration sites would be done to confirm that occurrences are stable or increasing (Monitoring Action CM11-22, associated with CM11). Habitat restoration, enhancement of habitat functions, and establishment of new occurrences would offset any potential loss of modeled habitat for Suisun Marsh thistle.

Three occurrences of Bolander's water-hemlock could be affected. Although the extent of potential habitat affected was not determined, it would be comparable to that for Delta tule pea and Suisun Marsh aster (5 acres). Tidal habitat restoration activities proposed under CM4 (Objectives TBEWNC1.1 and TFEWNC1.1) could increase the extent of habitat available for colonization by Bolander's water-hemlock, which could offset this habitat loss. Because only a few scattered occurrences of Bolander's water-hemlock are present in the study area, there is no reasonable expectation that habitat restoration without active species-specific restoration activities would result in the establishment of new occurrences to offset the losses. Also, because Bolander's water-hemlock is a noncovered species, the species protections and occurrence monitoring afforded to covered species under the BDCP would not apply to this species. Therefore, the effects of Alternative 4 on Bolander's water hemlock could be adverse.

NEPA Effects: The loss of modeled and occupied habitat for special-status tidal wetland plants would be offset through tidal habitat restoration (CM4). Therefore, implementation of Alternative 4 would result in no adverse effects on seven of eight special-status ~~grassland~~ tidal habitat species~~plants~~ in the study area. Alternative 4 would result in a reduction in the range and numbers of Bolander's water-hemlock, which would be an adverse effect. Adverse effects on Bolander's water-hemlock could be avoided or offset through implementation of Mitigation Measure BIO-170.

CEQA Conclusion: Because loss of occurrences and modeled habitat for covered tidal habitat plant species would be offset through habitat restoration, impacts on covered tidal wetland plants as a result of implementing Alternative 4 would not be significant. However, the loss of Bolander's water-hemlock populations in CZ 11 would result in a reduction in the range and numbers of this species and would be a significant impact. Implementation of Mitigation Measure BIO-170 would reduce this impact to a less-than-significant level by conducting surveys and implementing measures to avoid, minimize, or compensate for impacts to noncovered special-status plant species.

Mitigation Measure BIO-170: Avoid, Minimize, or Compensate for Impacts on Noncovered Special-Status Plant Species

Please see Mitigation Measure BIO-170 under Impact BIO-170.

Inland Dune ~~Plants~~Species

Five special-status plant species occur in inland dune habitat in the study area. None of the species is covered under the BDCP, and no habitat models were prepared for inland dune habitat. Table 12-4-67 summarizes the acreage of inland dune habitat in the study area and the number of occurrences ~~of~~ for each special-status inland dune ~~plant~~ species in the study area.

Table 12-4-67. Summary of Impacts on Inland Dune Plants under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Inland Dunes	19	0	—~~0~~	—~~0~~	None
Noncovered Species					
Hoover's cryptantha	—~~0~~	—~~0~~	1	0	None
Antioch Dunes buckwheat	—~~0~~	—~~0~~	1	0	None
Mt. Diablo buckwheat	—~~0~~	—~~0~~	1	0	None
Contra Costa wallflower	—~~0~~	—~~0~~	3	0	None
Antioch Dunes evening-primrose	—~~0~~	—~~0~~	9	0	None

Impact BIO-174: Effects on Habitat and Populations of Inland Dune Plants ~~Species~~

Alternative 4 would have no adverse effects on inland dune ~~plants~~ species (Table 12-4-67). No construction activities or habitat restoration would take place where the species occur. No specific actions to benefit inland dune species are proposed.

NEPA Effects: Implementation of the BDCP under Alternative 4 would not affect special-status inland dune species.

CEQA Conclusion: Because the BDCP would not affect inland dune habitat, implementation of Alternative 4 would have no ~~significant~~ impacts on inland dune species. No mitigation is required.

Nontidal Wetland ~~Plants~~Species

No covered plant species occur in nontidal wetlands in the study area; however, six noncovered special-status plant species occur in nontidal wetlands in the study area. Table 12-4-68 summarizes the acreage of nontidal wetland habitat in the study area and the number of occurrences of each special-status nontidal wetland ~~plant~~ species in the study area.

Table 12-4-68. Summary of Impacts on Nontidal Wetland Plant Species under Alternative 4

	Acres in Study Area	Acres Affected	Occurrences in Study Area	Occurrences Affected	Impacts
Habitat					
Nontidal freshwater aquatic	~~5,489~~5,567	~~333~~362	—~~0~~	—~~0~~	Loss of habitat from construction of water conveyance facilities, tidal habitat restoration, and floodplain restoration
Nontidal freshwater perennial emergent wetland	~~1,385~~1,509	~~133~~142	—~~0~~	—~~0~~	Loss of habitat from construction of water conveyance facilities, tidal habitat restoration, Yolo Bypass Fisheries enhancements, and floodplain restoration
Noncovered Species					
Watershield	—~~0~~	—~~0~~	3	1	Loss of habitat from construction of water conveyance facilities
Bristly sedge	—~~0~~	—~~0~~	18	~~2~~3	Loss of habitat from construction of water conveyance facilities
Woolly rose-mallow[a]	—~~0~~	—~~0~~	121	~~13~~15	Loss of habitat from construction of water conveyance facilities and tidal habitat restoration
Eel grass pondweed	—~~0~~	—~~0~~	1	0	None
Sanford's arrowhead	—~~0~~	—~~0~~	23	~~3~~2	Loss of habitat from construction of water conveyance facilities and tidal habitat restoration
Marsh skullcap[a]	—~~0~~	—~~0~~	1	0	None

[a] Also occurs in valley/foothill riparian habitat.

Impact BIO-175: Effects on Habitat and Populations of Nontidal Wetland Plants ~~Species~~

Under Alternative 4, known occurrences watershield, bristly sedge, woolly rose-mallow, and Sanford's arrowhead would be within the proposed footprint for the water conveyance facilities or within the hypothetical footprint for restoration activities and would be adversely affected. Alternative 4 would have no adverse effects on eel-grass pondweed or marsh skullcap.

The individual effects of each relevant conservation measure are addressed below. A summary statement of the combined impacts and NEPA and CEQA conclusions follows the individual conservation measure discussions.

- *CM1 Water Facilities and Operations*: Construction of the Alternative 4 water conveyance facilities would adversely affect four noncovered special-status plant species occurring in nontidal wetlands. One of three watershield occurrences in CZ 5 on Bouldin Island could be affected by construction of the water conveyance facilities. This is a historical occurrence that has not been observed since 1893, and it may be extirpated (California Department of Fish and Wildlife 2013). ~~Two~~ Three occurrences of bristly sedge in CZ 4 and CZ 5, including approximately 1.54 acres of occupied habitat, would be affected by construction of the water conveyance facilities. ~~Thirteen~~ Fifteen occurrences of woolly rose-mallow would be affected. Six occurrences in CZ 4 ~~would~~ could be removed during construction of the intake facilities and disposal of reusable tunnel material, and ~~five~~ four occurrences in CZ 6 and ~~one occurrence~~four occurrences in CZ 8 would be affected by construction of other facilities and by geotechnical investigations. Construction of the water conveyance facilities would remove occupied habitat at ~~two occurrences~~one occurrence of Sanford's arrowhead in CZ 4. Under Alternative 4, construction and operation of the water conveyance facilities could affect 77 acres of nontidal wetlands, which could have adverse effects on undiscovered occurrences of the six non-covered special-status nontidal wetland plant species.

- *CM2 Yolo Bypass Fisheries Enhancement*: No known occurrences of special-status nontidal wetland plants are present in the hypothetical footprint for construction or operation of the Yolo Bypass fisheries enhancements. Therefore, construction and operation of the Yolo Bypass Fisheries enhancements would not affect special-status nontidal marsh ~~plants~~species.

- *CM3 Natural Communities Protection and Restoration*: No specific natural communities protection is proposed for nontidal wetlands under the BDCP. Therefore, no occurrences of special-status nontidal ~~plants~~ species are proposed for protection.

- *CM4 Tidal Natural Communities Restoration*: One known occurrence of Sanford's arrowhead is present within areas that could be affected by tidal habitat restoration in CZ 2. One known occurrence of woolly rose-mallow is present within areas that could be affected by tidal habitat restoration in CZ 7. No other known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for tidal habitat restoration. Therefore, tidal habitat restoration could have adverse effects on two special-status nontidal wetland ~~plants~~species.

- *CM5 Seasonally Inundated Floodplain Restoration*: No known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for floodplain restoration. Therefore, floodplain restoration and construction of new floodplain levees would have no impacts on special-status nontidal wetland ~~plants~~species.

- *CM6 Channel Margin Enhancement*: No known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for channel margin habitat enhancement. Therefore, channel margin habitat enhancement would have no impacts on known occurrences of special-status nontidal wetland ~~plants~~species.

- *CM7 Riparian Natural Community Restoration*: No known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for riparian habitat restoration. Therefore, riparian habitat restoration would have no impacts on known occurrences of special-status nontidal wetland ~~plants~~species.

- *CM8 Grassland Natural Community Restoration*: No known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for grassland communities restoration. Therefore, grassland communities restoration would have no impacts on special-status nontidal wetland ~~plants~~species.
- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: No known occurrences of special-status nontidal wetland ~~plants~~ species are present within areas proposed for vernal pool complex restoration. Therefore, vernal pool complex restoration would have no impacts on special-status nontidal wetland ~~plants~~species.
- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration would take place through conversion of cultivated lands. Therefore, nontidal marsh restoration would avoid existing nontidal marsh and would have no adverse effects on special-status nontidal wetland ~~plants~~species. The BDCP may benefit nontidal wetland species by creating 400 acres of nontidal freshwater marsh, including components of nontidal perennial aquatic and nontidal freshwater perennial emergent wetland communities, and by maintaining and enhancing the habitat functions of protected and created nontidal wetland habitats for covered and other native species. However, no specific actions to benefit noncovered species are proposed.

Under Alternative 4, 1,500 acres of nontidal marsh would be restored (Objective NFEW/NPANC1.1, addressed under CM10). However, these wetlands would be restored primarily as habitat for giant garter snake. These habitat restoration activities would be unlikely to expand the amount of habitat available to watershield, bristly sedge, woolly rose-mallow, and Sanford's arrowhead, potential loss of habitat or occurrences resulting from covered activities would not be compensated for. Moreover, because special-status nontidal wetland plant species are not covered under the BDCP, the species protections afforded to covered species under ~~CM22~~ the AMMs do not apply to these species, and the effects of Alternative 4 on these species would be adverse. Implementation of Mitigation Measure BIO-170, *Avoid, Minimize, or Compensate for Impacts on Noncovered Special-Status Plant Species*, would reduce these effects.

NEPA Effects: Implementation of the BDCP under Alternative 4 could result in a reduction in the range and numbers of watershield, bristly sedge, woolly rose-mallow, and Sanford's arrowhead, four noncovered nontidal wetland species, which would be an adverse effect. Adverse effects on these species could be avoided or offset through implementation of Mitigation Measure BIO-170.

CEQA Conclusion: Under Alternative 4, construction of the water conveyance facilities could result in a reduction in the range and numbers of watershield, bristly sedge, woolly rose-mallow, and Sanford's arrowhead. Tidal habitat restoration could result in a reduction in the range and numbers of woolly rose-mallow and Sanford's arrowhead. These impacts would be significant. Implementation of Mitigation Measure BIO-170, which requires avoidance, minimization and compensation actions for impacts to noncovered species, would reduce these impacts to a less-than-significant level.

Mitigation Measure BIO-170: Avoid, Minimize, or Compensate for Impacts on Noncovered Special-Status Plant Species

Please see Mitigation Measure BIO-170 under Impact BIO-170.

General Terrestrial Biology

Wetlands and Other Waters of the United States

Alternative 4 actions would both permanently and temporarily remove or convert wetlands and open water that are~~is~~ ~~potentially jurisdictional as~~ regulated by USACE under Section 404 of the CWA. The 404 regulations and relevant information on mitigation the effects of impact to wetlands and waters of the United States (U.S.) are described in Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The following two impacts address the project-level effects of CM1 on these potential wetlands and waters, and the programmatic-level effects of other relevant conservation actions (CM2–CM10). CM11–~~CM22~~ CM21 would not directly result in loss or conversion of wetlands or other waters of the ~~United States. The~~U.S. The methods used to conduct these analyses are described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS~~.of this chapter~~. The waters of the U.S. data used for this analysis is based on a verified wetland delineation from the USACE that was completed in early 2015. These waters of the U.S. were mapped at finer scale than that which was done for the natural community mapping for the BDCP and therefor the acreages of these two datasets differ when compared to each other. The waters of the U.S. mapping identified numerous agricultural ditches and seasonal wetlands occurring within and associated with cultivated lands, which explains the majority of the difference.

Impact BIO-176: Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States

Alternative 4 proposes the construction, maintenance, and operation of water conveyance facilities within, or requiring the unavoidable fill of, waters of the U.S. The estimated fill of jurisdictional waters associated with this alternative is described in Table 12-4-69 below. ~~Construction of the Alternative 4 water conveyance facilities would both temporarily and permanently remove potential wetlands and other waters of the United States as regulated by Section 404 of the CWA (Table 12-4-69).~~ Based on the methodology used to conduct this analysis, the losses would occur at intake, tunnel, pipeline, canal, and RTM and borrow/spoil storage sites, transmission corridors, and multiple temporary work areas associated with the construction activity. The permanent wetland or other waters of the United States loss ~~(244–389 acres)~~ would occur at various locations along the modified pipeline/tunnel alignment. The majority of the loss would occur due to the expansion of Clifton Court Forebay, new transmission lines, construction of Alternative 4's three intake structures along the eastern bank of the Sacramento River between Clarksburg and Courtland in the north Delta, and at the RTM storage sites associated with tunnel construction at various locations, including ~~at Scribner's Bend,~~ sites between Lambert Road and Twin Cities Road, on ~~Staten and~~ Bouldin Island~~s~~, and on Byron Tract, adjacent to Clifton Court Forebay. ~~Effects for two configurations of the RTM storage sites were calculated. One configuration uses 6-foot-high piles and one configuration uses 10-foot-high piles (see Chapter 3, Section 3.6.1.2). Therefore, a range of acreages is shown for permanent effects in Table 12-4-69. The permanent effect assuming the use of 10-foot high RTM storage sites would be 244 acres; assuming 6-foot-high sites, the permanent effect would be 389 acres.~~ Through implementation of an environmental commitment to reuse RTM or dispose of it at appropriate facilities, as described in Appendix 3B, *Environmental Commitments* of the Draft EIR/EIS, it is anticipated that the material would be removed from these areas and applied, as appropriate, as bulking material for levee maintenance or as fill material for habitat restoration projects, or would be put to other beneficial means of reuse identified for the material.

The temporary effects on wetlands and waters of the United States ~~(94 acres)~~ would also occur mainly at the three intake construction sites along the eastern bank of the Sacramento River, and at barge unloading facilities in the San Joaquin River, Snodgrass Slough, Potato Slough, Connection Slough, Old River, and West Canal~~and Middle Rivers~~. An additional temporary effect would result from dredging of ~~2,026 acres of~~ Clifton Court Forebay.

Table 12-4-69. Estimated Fill of Waters of the U.S. Associated with the Construction of Water Conveyance Facilities under Alternative 4 (acres)

Habitat Type	Permanent Impact	Temporary Impacts Treated as Permanent[a]	Temporary Impact[b]	Total Impact[c]
Agricultural Ditch	45.5	17.4	0	62.9
Alkaline Wetland	20.3	0.1	0	20.4
Clifton Court Forebay	258.0	0	1,931.0	258.0
Conveyance Channel	8.0	2.9	0	10.8
Depression	29.3	7.1	0	36.4
Emergent Wetland	57.2	31.5	0	88.8
Forest	8.3	8.6	0	16.9
Lake	23.2	0	0	23.2
Scrub-Shrub	12.8	5.4	0	18.1
Seasonal Wetland	114.6	25.1	0	139.7
Tidal Channel	19.2	80.7	0	99.9
Vernal Pool	0.3	0	0	0.3
Total	**597**	**179**	**1,931**	775

[a] Temporary impacts treated as permanent are temporary impacts expected to last over one year. These impact sites will eventually be restored to pre-project conditions; however, due to the duration of effect, compensatory mitigation will be included for these areas.

[b] Temporary impacts are due to dredging Clifton Court Forebay

[c] Total does not include temporary impacts to Clifton Court Forebay because these would just be temporary disturbance to open water, which typically do not require compensatory mitigation.

~~**Potential Wetlands and Other Waters of the United States Filled by Construction of Alternative 4 Water Conveyance Facilities**~~

~~Wetland/Other Water Type[a]~~	~~Permanent[b]~~	~~Temporary~~	~~Total~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~46–72~~	~~15~~	~~61–87~~
~~Muted Tidal Flow~~	~~1~~	~~0~~	~~1~~
~~Tidal Flow~~	~~13~~	~~46~~	~~59~~
~~Pond or Lake (nontidal)~~	~~0–54~~	~~2~~	~~2–56~~
~~Clifton Court Forebay~~	~~162~~	~~8~~	~~170~~
~~**Wetland**~~			
~~Nontidal Wetland~~	~~13–36~~	~~15~~	~~28–51~~
~~Tidal Wetland~~	~~3–4~~	~~7~~	~~10–11~~
~~Seasonal Wetland~~	~~6–47~~	~~1~~	~~7–48~~
~~**Total Impact Acres**~~	~~**244–389**~~	~~**94**~~	~~**338–484**~~

~~[a] Wetland types are described in the methods section of this chapter (Section 12.2.3.4).~~

~~[b] A range of values is shown where effects include fill from construction of 10-foot and 6-foot high RTM storage sites, respectively, as described in Chapter 3, Section 3.6.1.2, *Conveyance Facilities.*~~

~~Source: California Department of Water Resources 2013b~~

The majority of the impacts on wetlands and waters of U.S. are to wetlands found within cultivated lands (mostly agricultural ditches and seasonal wetlands) and waters associated with Clifton Court Forebay. The impacted seasonal wetlands mapped within the Conveyance Planning Area, as described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, all occur in the central Delta within plowed agricultural fields and would be mostly affected by the RTM storage sites and transmission line construction. The effects ~~to~~on Clifton Court Forebay ~~are~~would primarily result from the establishment of new embankments around and across the existing forebay. The forebay ~~will~~would be expanded to the south by an additional 450 acres of storage space resulting in a net gain of open water in the forebay.

Unavoidable impacts ~~to~~on waters of the United States ~~will~~would be offset such that the loss of acreage and functions due to construction activities are fully compensated. Wetland functions are defined as a process or series of processes that take place within a wetland. These include the storage of water, transformation of nutrients, growth of living matter, and diversity of wetland plants, and they have value for the wetland itself, for surrounding ecosystems, and for people. Functions can be grouped broadly as habitat, hydrologic/hydraulic, or water quality. Not all wetlands perform all functions nor do they perform all functions equally well. The location and size of a wetland may determine what functions it will perform. For example, the geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine its hydrologic/hydraulic or water-quality functions. Many factors determine how well a wetland will perform these functions: climatic conditions, quantity and quality of water entering the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem. Wetland disturbances may be the result of natural conditions, such as an extended drought, or human activities, such as land clearing, dredging, or the introduction of nonnative species. Wetlands are among the most productive habitats in the world, providing food, water, and shelter for fish, shellfish, birds, and mammals, and serving as a breeding ground and nursery for numerous species. Many endangered plant and animal species are dependent on wetland habitats for their survival. Hydrologic and hydraulic functions are those related to the quantity of water that enters, is stored in, or leaves a wetland. These functions include such factors as the reduction of flow velocity, the role of wetlands as ground-water recharge or discharge areas, and the influence of wetlands on atmospheric processes. Water-quality functions include the trapping of sediment, pollution control, and the biochemical processes that take place as water enters, is stored in, or leaves a wetland.

The functions of the waters of the U.S. that will be temporarily or permanently impacted by this alternative vary greatly depending primarily on existing land uses and historical levels of disturbance. Generally, agricultural ditches and conveyance channels, which are regularly maintained and often devoid of vegetation, support only minimal hydraulic function (water conveyance), with virtually no water quality or habitat function. With respect to Clifton Court Forebay, the facility is regularly maintained, but supports some hydrologic, hydraulic, and water quality functions (e.g. reduction of velocity, groundwater recharge, and trapping of sediment). Tidal channels affected by this alternative support functions in all three categories, but the level at which these functions perform vary depending on setting, size, and level of disturbance. The alkaline wetlands and vernal pools exist in non-native grasslands and have been subjected to some disturbance due to past land uses. Although these features likely support habitat, water quality, and hydrologic/hydraulic functions, the capacity of these features to perform such functions vary depending on the overall ecological setting and level of disturbance. Functions associated with emergent wetland, forest, and scrub-shrub, depend primarily on the location of these habitat types. Where they exist as in-stream (in-channel islands) or as the thick band of habitat adjacent to a waterway, these features are expected to function at a high level. However, where these habitats exist as thin bands, or where they are situated in agricultural fields, their habitat functions will be considerably lower. All of the wetlands classified as seasonal wetlands occur in agricultural fields. As such, their habitat functions have been greatly compromised, but they retain some water quality and hydrologic/hydraulic function. Like seasonal wetlands, most depressions occur within agricultural areas; however the depressions may support wetland vegetation at their edges. The areas mapped as lake are the dredged borrow ponds created during the construction of Interstate 5. Although relatively small, each lake is likely performing functions from all three categories.

A functional assessment of wetlands proposed for fill will be conducted during the development of the Conceptual Mitigation Plan as part of the Clean Water Act permitting process. The results of this assessment will be compared to the expected functions at the proposed mitigation site(s) such that it can be confirmed that the compensatory mitigation will in fact accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functional compensatory wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands will be significantly less than high function, the compensatory mitigation will result in a net increase in wetland function.

Alternative 4 was designed to avoid waters of the U.S. to the maximum extent practicable. Each of the conveyance components has been located in upland areas where it was feasible to do so. Once construction begins, specific measures will be implemented, as described in the AMMs set out in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS (AMM6), to further avoid and minimize effects to waters of the U.S. as well as to special-status species. The AMMs will be implemented at all phases of a project, from siting through design, construction, and on to operations and maintenance. The AMMs that pertain specifically to waters of the U.S. are AMM1 *Worker Awareness Training*, AMM2 *Construction Best Management Practices and Monitoring*, AMM3 *Stormwater Pollution Prevention Plan*, AMM4 *Erosion and Sediment Control Plan*, AMM5 *Spill Prevention, Containment, and Countermeasure Plan*, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 *Barge Operations Plan*, AMM10 *Restoration of Temporarily Affected Natural Communities*, AMM12 *Vernal Pool Crustaceans*, AMM30 *Transmission Line Design and Alignment Guidelines*, AMM34 *Construction Site Security*, and AMM36 *Notification of Activities in Waterways*.

The implementation of measures to avoid and minimize impacts on habitat for aquatic species and species which utilize aquatic habitats, such as California tiger salamander, giant garter snake, California red legged frog, western pond turtle, riparian woodrat, and riparian brush rabbit, will also result in further avoidance and minimization of effects to waters of the United States.

Aside from wetland habitats that would be created as a result of implementing CMs 4-10, some of which could serve the dual purpose of offsetting effects to species and mitigating impacts on waters of the U.S., more specific mitigation is required to ensure that there is no net loss of wetland functions and values as a result of implementing Alternative 4 pursuant to USACE's and U.S. EPA's Mitigation Rule (see Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions* of this RDEIR/SDEIS). Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.* would be available to address adverse impacts on waters of the U.S.

NEPA Effects: The permanent and temporary loss of these ~~potential~~ jurisdictional wetlands and waters of the U.S. as a result of constructing Alternative 4 water conveyance facilities would be a substantial effect if not compensated by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands as defined by Section 404 of the CWA. ~~However, Alternative 4 includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water in the study area. Through the course of the BDCP restoration program, this alternative would restore 65,000 acres of tidal and 1,200 acres of nontidal wetland or open water. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval.~~ The Plan under Alternative 4 would implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters.~~Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction~~. However, specific mitigation would be required to ensure that Alternative 4 does not result in a loss of functions and values of waters of the U.S. and thus that the affect is not adverse. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce these effects such that they are not adverse. ~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 4 with either 10-foot-high RTM storage sites (338 acres) or 6-foot-high sites (484 acres). Therefore, there would be an overall beneficial effect on potential jurisdictional wetlands and other waters of the United States from Alternative 4 implementation.~~

CEQA Conclusion: The permanent and temporary loss of these jurisdictional wetlands and waters of the U.S. as a result of constructing Alternative 4 water conveyance facilities would be a significant impact. Specific mitigation would be required to ensure that Alternative 4 does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level. Alternative 4 does propose to restore up to 76,721 acres of wetland natural communities under the Plan, which would include 65,000 acres of tidal marsh restoration (CM4), 10,000 acres of seasonally inundated floodplain restoration (CM5), 21 acres of vernal pool/alkali seasonal wetlands (CM9; 67 acres of vernal pool complex and 72 acres of alkali seasonal wetland complex assuming a wetland density of 15%), and 1,700 acres of nontidal marsh restoration (CM10). In addition, Alternative 4 would restore 5,000 acres of riparian habitat (CM7), some portion of which may also qualify as forested or scrub-shrub wetland. In addition, 20 miles of levees will have channel margin enhancement conducted on them (CM6), which would include improving channel geometry and restoring riparian, marsh, and mudflat habitats on the water side of levees.

The success in implementing these Conservation Measures would be assured through effectiveness monitoring, which includes success criteria, and adaptive management as outlined in the *Adaptive Management and Monitoring* sections of the Draft BDCP for tidal marsh restoration (Draft BDCP Section 3.4.4.4), seasonal floodplain restoration (Draft BDCP Section 3.4.5.4), channel margin enhancement (Draft BDCP Section 3.4.6.4), valley/foothill riparian restoration (Draft BDCP Section 3.4.7.4), vernal pool and alkali seasonal wetland complex restoration (Draft BDCP Section 3.4.9.4), and nontidal marsh restoration (Draft BDCP Section 3.4.10.3). All restored areas will be secured in fee-title or through conservation easements.

Alternative 4 would also result in the protection and management of the following natural communities that contain wetlands: 750 acres of valley/foothill riparian, 600 acres of vernal pool complex, 150 acres of alkali seasonal wetland complex, 8,100 acres of managed wetlands, and 50 acres of nontidal marsh. In addition, 8,000 acres of grasslands and 51,625 acres of cultivated lands will be protected and managed, which would likely include areas of seasonal wetlands, ponds, and agricultural ditches.

The Plan under Alternative 4 would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of waters of the U.S. and any indirect effects to wetlands and waters. As stated above, specific mitigation would be required to ensure that Alternative 4 does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of constructing Alternative 4 water conveyance facilities would be substantial if not compensated for by wetland protection and/or restoration. This loss would represent either temporary or permanent removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 4 includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water. Through the course of the BDCP restoration program, this alternative would result in restoration of 65,000 acres of tidal and 1,200 acres of nontidal wetlands and open water. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 4 with either 10-foot-high RTM storage sites (338 acres) or 6-foot-high sites (484 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and waters of the United States resulting from Alternative 4 implementation.~~

Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

All mitigation proposed as compensatory mitigation would be subject to specific success criteria, success monitoring, long-term preservation, and long-term maintenance and monitoring pursuant to the requirements of the Mitigation Rule. All compensatory mitigation shall fully replace lost function through the mechanisms discussed below which will result in restoration and/or creation of habitat with at least as much function and value as those of the impacted habitat. In some cases, the mitigation habitat will afford significantly higher function and value than that of impacted habitat.

Compensation ratios are driven by type, condition, and location of replacement habitat as compared to type, condition and location of impacted habitat. Compensatory mitigation usually includes restoration, creation, or rehabilitation of aquatic habitat. The USACE does not typically accept preservation as the only form of mitigation; use of preservation as mitigation typically requires a very high ratio of replacement to impact. It is anticipated that ratios will be a minimum of 1:1, depending on the factors listed above.

Compensatory mitigation will consist of restoration, creation, and/or rehabilitation of aquatic habitat. Typically, impacted habitat will be replaced in-kind, although impacts on some habitat types such as agricultural ditches, conveyance channels, and Clifton Court Forebay, will be mitigated out-of-kind with higher functioning habitat types such as riparian wetland, marsh, and/or seasonal wetland. Compensatory mitigation shall be accomplished by one, or a combination of the following methods:

- Purchase credits for restored/created/rehabilitated habitat at an approved wetland mitigation bank;

- On-site (adjacent to the project footprint) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- On-site (adjacent to the project footprint) creation of aquatic habitat;
- Off-site (within the Delta) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- Off-site (within the Delta) creation of aquatic habitat; and/or
- Payment into the Corps' Fee-in-Lieu program.

Purchase of Credits or Payment into Fee-in-Lieu Program

It is envisioned that purchase of bank credits and/or payment into a fee-in-lieu program will be utilized for habitat types that would be difficult to restore or create within the Delta. Examples are vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types, and alkali seasonal wetland, which requires a specific set of chemical soil parameters. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-Site Restoration, Rehabilitation and/or Creation

Much of the Delta consists of degraded or converted habitat that is more or less functioning as upland. Opportunities will be sought where on-site restoration, rehabilitation, and/or creation could occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-Site Restoration, Rehabilitation and/or Creation

There exists, within the immediate vicinity of the project area, Delta land which has been subject to agricultural practices or other land uses which have degraded or even converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

Compensatory mitigation will result in no net loss of acreage of Waters of the U.S. and will accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functioning wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands are likely to function at significantly less than high levels, the compensatory mitigation will result in a significant net increase in wetland function.

Impact BIO-177: Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States

The habitat protection and restoration activities associated with Alternative 4's other conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and waters of the ~~United States~~U.S. in the study area over the course of BDCP conservation action implementation. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures

(CM2, CM4, and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in ~~BDCP~~ Chapter 5, *Effects Analysis*, of the Draft BDCP.~~,~~

~~***Effects Analysis.***~~ Because the wetland delineation was only conducted within the Conveyance Planning Area and not the remainder of the Plan Area, the effects on potential wetlands and waters of the ~~U.S.~~United States from CM2-CM10 were analyzed by looking at effects ~~to~~on wetland natural communities mapped within the theoretical footprints for CM2, CM4, and CM5 by assuming that 100% of the predominantly wetland natural communities listed in Table 12E-37 of Appendix 12E found in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA.~~These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects.~~ Based on this approach, approximately 19,850 acres of potentially jurisdictional wetlands and waters could be affected by CM2-CM10. The majority of these impacts are attributable to the conversion of 13,746 acres of managed wetland to tidal marsh under CM4, which would likely result in an improvement of wetland function in the Plan Area. ~~Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other waters of the United States. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated land) are not easily converted to effects on wetlands and other waters of the United States by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures.~~

NEPA Effects: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 4 would be ~~in the range of 5,500 to~~approximately ~~6,000~~19,850 acres~~, assuming that 100% of the predominantly wetland natural communities listed in Table 12-4-69 and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA~~. Most of these wetlands would be converted to tidal ~~and nontidal~~ wetlands and open water through implementation of CM4~~, and CM10~~. ~~The wetlands and open water created by these two restoration actions would be approximately 66,200 acres,~~Although the increase in wetland acreage and wetland functions from these restoration actions could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that these effects are not adverse. ~~far exceeding what is required under the no net loss policy used by the USACE in considering Section 404 permits, even if one were to assume that all conversions represented a functional wetland loss. Therefore, there would be a beneficial effect on potential jurisdictional wetlands and other waters of the United States from implementing CM2-CM10.~~

CEQA Conclusion: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 4 would be approximately 19,850 acres. Most of these wetlands would be converted to tidal wetlands and open water through implementation of CM4. In total, up to 76,721 acres of wetland natural communities would be restored under Alternative 4. Although the increase in wetland acreage and wetland functions from this restoration could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of* *the U.S.*, would be required to ensure that the impacts are reduced to a less-than-significant level. ~~The permanent and temporary loss of potential jurisdictional wetlands as a result of implementing the other conservation measures (CM2–CM10) of Alternative 4 would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 4 includes conservation measures (CM4 and CM10) that would restore large acreages of both tidal and nontidal wetlands and open water in the study area. Over the life of the BDCP restoration program, this alternative would result in restoration of 66,200 acres of tidal and nontidal wetlands and open water, of which 19,550 acres would be restored in the first 10 years. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 4 (5,500–6,000 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States from implementing CM2–CM10 under Alternative 4.~~

Shorebirds and Waterfowl

Managed wetlands, tidal natural communities, and cultivated lands (including grain and hay crops, pasture, field crops, rice, and idle lands) provide freshwater nesting, feeding, and resting habitat for a large number of Pacific flyway waterfowl and shorebirds. The primary effects of concern for shorebirds and waterfowl are related to the conversion of managed wetland and cultivated lands to tidal marsh associated with habitat restoration. Ducks Unlimited (2013) conducted an analysis to determine the effects of BDCP conservation measures on waterfowl, as well as to determine whether BDCP actions would impede attainment of the goals established by the Central Valley Joint Venture (CVJV) Implementation Plan for the Delta, Yolo, and Suisun Marsh drainage basins. The CVJV efforts are guided by its 2006 Implementation Plan, which is founded on the principles of strategic habitat conservation (Central Valley Joint Venture 2006). Those principles emphasize the establishment of population abundance objectives and the use of species-habitat models to link population objectives to habitat needs. The CVJV has used species-habitat models to translate bird abundance objectives into habitat objectives, while explicitly identifying the biological assumptions that underpin these models and the data used to populate them. As a result, the CVJV's biological planning provides a framework for evaluating the effects of the BDCP on waterfowl.

The Ducks Unlimited waterfowl analysis focused primarily on dabbling ducks. Less than 5% of all geese in the Central Valley occur in the Yolo, Delta, and Suisun Marsh drainage basins. Moreover, geese in the Central Valley rely mostly on agricultural habitats to meet their food energy needs. The BDCP's effect on agricultural habitats is limited to the Delta Basin where about 2500 acres of corn now available to geese would be converted to other habitats (Ducks Unlimited 2013: Table 5). Food supplies for geese would still be well in excess of demand even with the loss of these agricultural habitats (Central Valley Joint Venture 2006, Ducks Unlimited 2013). The duck population objectives used in the analysis were taken directly from the CVJV Plan. Dabbling duck species make up 92% of this objective, while diving duck species make up the remaining 8%. Thus, the results were mostly driven by dabbling duck needs and largely interpreted in the context of dabbling duck foraging ecology. The 55,000 acres of Tidal Natural Communities Restoration (CM4) would be expected to benefit diving ducks by providing deep water foraging habitat. Refer to the Ducks Unlimited Report (Ducks Unlimited 2013) for details of the analysis and methods with respect to the TRUMET model used to quantify effects on food biomass and food quality.

An analysis was conducted to determine the effects of the BDCP covered activities on wintering and breeding shorebird habitat (ICF International 2013). This analysis evaluated the relative increase and decrease in natural communities known to provide important foraging, roosting, and breeding habitat. Similar to the waterfowl analysis, the results were broken up into the three Central Valley Joint Venture Basins that overlap with the BDCP study area: Yolo, Delta, and Suisun. Natural community losses and gains were then translated into species-specific outcomes, comparing the relative habitat value of each BDCP natural community for each Central Valley shorebird species (Table 1, ICF International 2013). The shorebird species ranking system displayed in Table 1 (ICF International 2013) was modified from a table in Stralberg et~~.~~ al. (2011). The table was created using survey data and experts' species-specific habitat rankings. The survey data included fall, winter, and spring density data. This resulted in an overall, cross-season representation of habitat requirements.

Impact BIO-178: Loss or Conversion of Habitat for Waterfowl and Shorebirds as a Result of Water Conveyance Facilities Construction

Development of the water conveyance facilities (CM1) would result in the permanent removal of approximately ~~7~~ 22 acres of managed wetland, ~~6~~ 3 acres of tidal wetlands, ~~59~~ 61 acres of nontidal wetlands, and 3,~~729~~ 768 acres of suitable cultivated lands (including grain and hay crops, pasture, field crops, rice, and idle lands). In addition, ~~28~~ 29 acres of managed wetland, ~~10~~ 15 acres of tidal wetlands, ~~12~~ 15 acres of nontidal wetlands, and ~~843~~ 1,339 acres of suitable cultivated lands would be temporarily impacted. No rice would be impacted as a result of constructing the water conveyance facilities. These losses of habitat would occur within the first 10 years of Alternative 4 implementation in the Delta Basin. The BDCP has committed to the near-term protection of 15,400 acres of non-rice cultivated lands, 200 acres of rice, and 700 acres of rice or "rice equivalent" natural communities including nontidal wetlands in the near-term. In addition, 4,100 acres of managed wetlands would be created, protected, and enhanced, 8,850 acres of freshwater tidal wetlands would be restored, and 2,000 acres of tidal brackish emergent wetland would be restored (see Table 3-4~~,~~ in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS).

Construction activities could have an adverse effect on nesting shorebirds or waterfowl if they were present in or adjacent to work areas and could result in destruction of nests or disturbance of nesting and foraging behaviors. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on nesting birds.

NEPA Effects: Habitat loss from construction of the Alternative 4 water conveyance facilities would not result in an adverse effect on shorebirds and waterfowl because of the acres of natural communities and cultivated lands that would be restored and protected in the near-term timeframe. If waterfowl were present in or adjacent to work areas, construction activities could result in destruction of nests or disturbance of nesting and foraging behaviors, which would ~~be~~ represent an adverse affect on nesting shorebirds and waterfowl individuals. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on nesting birds.

CEQA Conclusion: In the absence of other conservation actions, ~~H~~habitat loss from construction of the Alternative 4 water conveyance facilities ~~would~~ could ~~have a less-than-significant impact on~~ represent an adverse effect on shorebirds and waterfowl through habitat modification. However, ~~because~~ with of the acres of natural communities and cultivated lands that would be restored and protected in the near-term timeframe, this impact would be less-than significant. If waterfowl were present in or adjacent to work areas, construction activities could result in destruction of nests or disturbance of nesting and foraging behaviors, which would be a significant impact. Implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, which would identify nesting birds prior to disturbance and would allow for avoidance measures, would reduce this impact on nesting birds to a less-than-significant level.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Impact BIO-179: Loss or Conversion of Habitat for Wintering Waterfowl as a Result of Implementation of Conservation Components

Suisun Marsh: Managed seasonal wetlands in Suisun Marsh would be reduced by an estimated 8,818 acres as a result of implementing Alternative 4. This would represent a 25% decrease in managed seasonal wetlands compared with long-term conditions without Alternative 4 (Ducks Unlimited 2013, Table 5; ICF International 2013). There is considerable uncertainty about the biomass and nutritional quality of waterfowl foods produced in Suisun Marsh's managed wetlands, which makes it difficult to identify the amount of mitigation needed. To address this uncertainty, three levels of food biomass and three levels of nutritional quality were modeled for these existing habitats (Ducks Unlimited 2013, Table 7). Three mitigation scenarios were based on these energetic assumptions of biomass and food quality were then run to determine a minimum acreage of managed seasonal wetlands to be protected and enhanced to compensate for the loss of productivity from habitat conversion to tidal wetlands.

- Scenario 1) Assume that existing managed seasonal wetlands provide low food biomass and low food quality. Under this assumption, the managed seasonal wetlands in Suisun Marsh produce 50% of the seed biomass of seasonal wetlands elsewhere in the Central Valley, and these seeds have 60% of the metabolizable energy of seeds produced outside of Suisun Marsh. Given the assumption that managed seasonal wetlands in Suisun Marsh could be enhanced to provide high food biomass and high food quality (equal to wetlands in the Central Valley), 5,000 acres of managed wetlands protected and managed for high biomass and high food quality would mitigate the conversion of 8,857 acres of managed seasonal wetland to tidal marsh.
- Scenario 2) Assume that the managed seasonal wetlands lost provide medium food biomass and medium food quality. Under this assumption, the managed seasonal wetlands in Suisun Marsh produce 75% of the seed biomass of seasonal wetlands elsewhere in the Central Valley, and these seeds have 80% of the metabolizable energy of seeds produced outside of Suisun Marsh. Given the assumption that managed seasonal wetlands in Suisun Marsh could be enhanced to provide high food biomass and high food quality (equal to wetlands in the Central Valley), 13,300 acres of managed wetlands protected and managed for high biomass and high food quality would mitigate the conversion of 8,857 acres of managed seasonal wetland to tidal marsh.
- Scenario 3) Assume that existing managed seasonal wetlands provide low food biomass and low food quality. Given the assumption that managed seasonal wetlands in Suisun Marsh could only be enhanced to provide medium food biomass and medium food quality (produce 75% of the seed biomass of seasonal wetlands elsewhere in the Central Valley, and these seeds have 80% of the metabolizable energy of seeds produced outside of Suisun Marsh), 8,800 acres of managed

wetlands protected and managed for medium biomass and medium food quality would mitigate the conversion of 8,857 acres of managed seasonal wetland to tidal marsh.

The BDCP has committed to protecting and enhancing a minimum of 5,000 acres of managed seasonal wetlands in Suisun Marsh to compensate for the loss of productivity from habitat conversion to tidal marsh. This minimum commitment of 5,000 acres would mitigate the reduced productivity from conversion of managed seasonal wetlands under the assumptions that 1) existing managed seasonal wetlands on average in Suisun Marsh provide low biomass and low-quality food to wintering waterfowl and 2) protected seasonal wetlands can be managed to produce high biomass and high food quality. However, the food biomass and productivity in Suisun Marsh would need to be quantified in order to determine if the 5,000 acres was sufficient to avoid an adverse effect on wintering waterfowl in the Suisun Marsh, or if additional mitigation would be needed. Mitigation Measure BIO-179a, *Conduct Food Studies and Monitoring for Wintering Waterfowl in Suisun Marsh*, would be available to address this adverse effect.

Yolo and Delta Basins: The replacement of 1,400 acres of managed seasonal wetland with 19,000 acres of palustrine tidal wetlands in the Delta Watershed, and the replacement of 600 acres of managed seasonal wetlands with 2,000 acres of palustrine tidal wetlands in the Yolo Watershed would not be expected to have an adverse effect on food productivity, under the assumption that these wetlands would provide adequate food sources. However, a monitoring component and a food study in these tidal habitats would be necessary order to demonstrate that there is a less-than-significant loss of food value in these habitats for wintering waterfowl. If it is determined from monitoring, that there is in fact a significant loss in food productivity from habitat conversion to tidal wetlands, the protection and enhancement of managed wetlands in these watersheds would be required to mitigate the change in food biomass and quality. Mitigation Measure BIO-179b, *Conduct Food Studies and Monitoring to Demonstrate Food Quality of Palustrine Tidal Wetlands in the Yolo and Delta Basins*, would be available to address this uncertainty.

***NEPA Effects*:** There is considerable uncertainty about the biomass and nutritional quality of waterfowl foods produced in Suisun Marsh's managed wetlands, which makes it difficult to identify the level of effect that Alternative 4 habitat loss or conversion would have. The BDCP has committed to protecting and enhancing a minimum of 6,600 acres of managed seasonal wetlands in Suisun Marsh to compensate for the loss of productivity resulting from habitat conversion to tidal marsh. Of ~~this~~these 6,600 acres, at least 5,000 acres would be managed to benefit wintering waterfowl. This minimum commitment of 5,000 acres for wintering waterfowl would mitigate the reduced productivity from conversion of managed seasonal wetlands under the assumptions that 1) existing managed seasonal wetlands on average in Suisun Marsh provide low biomass and low-quality food to wintering waterfowl and 2) protected seasonal wetlands can be managed to produce high biomass and high-quality food. However, the food biomass and productivity in Suisun Marsh would need to be quantified to determine if the 5,000 acres would be sufficient for Alternative 4 to avoid an adverse effect on wintering waterfowl in the Suisun Marsh. Mitigation Measure BIO-179a, *Conduct Food Studies and Monitoring for Wintering Waterfowl in Suisun Marsh*, would be available to address this adverse effect.

The replacement of 1,400 acres of managed seasonal wetlands with 19,000 acres of palustrine tidal wetlands in the Delta watershed, and the replacement of 600 acres of managed seasonal wetlands with 2,000 acres of palustrine tidal wetlands in the Yolo watershed would not be expected to alter food productivity for wintering waterfowl. However, the conclusion that these new wetlands would provide adequate food sources is entirely dependent on assumptions about food production in palustrine tidal habitats. Mitigation Measure BIO-179b, *Conduct Food Studies and Monitoring to Demonstrate Food Quality of Palustrine Tidal Wetlands in the Yolo and Delta Basins*, would be available to address this uncertainty and avoid an adverse effect on wintering waterfowl.

CEQA Conclusion: There is considerable uncertainty about the biomass and nutritional quality of waterfowl foods produced in Suisun Marsh's managed wetlands, which makes it difficult to identify the level of impact that Alternative 4 habitat loss or conversion would have. The BDCP has committed to protecting and enhancing a minimum of 6,600 acres of managed seasonal wetlands in Suisun Marsh to compensate for the loss of productivity resulting from habitat conversion to tidal marsh. Of ~~this~~these 6,600 acres, at least 5,000 acres would be managed to benefit wintering waterfowl. This minimum commitment of 5,000 acres for wintering waterfowl would mitigate the reduced productivity resulting from conversion of managed seasonal wetlands under the assumptions that 1) existing managed seasonal wetlands on average in Suisun Marsh provide low biomass and low-quality food for wintering waterfowl and 2) protected seasonal wetlands can be managed to produce high biomass and high-quality food. However, the food biomass and productivity in Suisun Marsh would need to be quantified to determine if the 5,000 acres would be sufficient for Alternative 4 to avoid having a significant impact on wintering waterfowl in the Suisun Marsh, or if additional mitigation would be needed. Implementation of Mitigation Measure BIO-179a, *Conduct Food Studies and Monitoring for Wintering Waterfowl in Suisun Marsh*, would address this potential significant impact.

The replacement of 1,400 acres of managed seasonal wetlands with 19,000 acres of palustrine tidal wetlands in the Delta watershed, and the replacement of 600 acres of managed seasonal wetlands with 2,000 acres of palustrine tidal wetlands in the Yolo watershed would not be expected to alter food productivity. However, the conclusion that these tidal wetlands would provide adequate food sources for wintering waterfowl is entirely dependent on assumptions about food production in palustrine tidal habitats. Studies of food biomass and food quality in palustrine tidal habitats are needed to confirm that no mitigation for wintering waterfowl would be required in the Yolo and Delta Basins. Implementation of Mitigation Measure BIO-179b, *Conduct Food Studies and Monitoring to Demonstrate Food Quality of Palustrine Tidal Wetlands in the Yolo and Delta Basins*, would address this uncertainty and would reduce ~~this~~ the impact on loss or conversion of habitat for wintering waterfowl to a less-than-significant level.

Mitigation Measure BIO-179a: Conduct Food Studies and Monitoring for Wintering Waterfowl in Suisun Marsh

Poorly managed wetlands (considered low biomass and food quality) will be identified and managed by BDCP proponents to improve food quality and biomass. Studies will be required to quantify 1) food production of existing managed wetlands in Suisun Marsh and 2) energetic productivity of brackish and tidal marsh habitats. Protected wetlands will be monitored to measure changes in the energetic productivity of these sites. Based on the food studies and monitoring results, BDCP proponents will determine if the minimum commitment of 5,000 acres is sufficient to meet the goal of 1:1 compensation for loss of wintering waterfowl habitat with the protection and management of managed wetlands in perpetuity. If monitoring demonstrates that additional acreage is needed to meet this goal, additional acreage of protection or creation of managed wetlands and management will be required.

Mitigation Measure BIO-179b: Conduct Food Studies and Monitoring to Demonstrate Food Quality of Palustrine Tidal Wetlands in the Yolo and Delta Basins

In order to address the uncertainty of the impact of loss of managed wetlands in the Yolo and Delta Basins on wintering waterfowl, BDCP proponents will conduct food studies and monitoring to demonstrate the food quality of palustrine tidal habitats in these basins. If studies show that the assumption of no effect was inaccurate, and the food quality goal of 1:1 compensation for wintering waterfowl food value is not met, additional acreage of protection or creation of managed wetland and management will be required.

Impact BIO-180: Loss or Conversion of Habitat for Breeding Waterfowl from Implementation of Conservation Components

Yolo and Delta Basins: Implementation of Alternative 4 would reduce managed wetlands in the Yolo and Delta basins by 437 acres and 1,155 acres respectively. Under the assumption that 15% of these wetlands are managed as semi-permanent wetlands, Alternative 4 would reduce semipermanent wetlands in the Yolo and Delta drainage basins by 77 acres and 203 acres respectively. While a reduction in these semipermanent habitats would represent a habitat loss for breeding waterfowl, with the restoration of 24,000 acres of palustrine tidal wetlands (see Table 3-4~~,~~ in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS) in the Yolo and Delta basins there would be a less than adverse effect on breeding waterfowl. These palustrine habitats would presumably contain water during the breeding period (i.e., March through July), and would be expected to compensate for the loss of 280 acres of managed semi-permanent wetlands in the Yolo and Delta watersheds attributed to Alternative 4.

Suisun Marsh: Total managed wetlands in Suisun Marsh would decline from 41,012 acres to 30,640 acres from the conversion of managed seasonal and semi-permanent wetlands to tidal habitats. Some of the remaining seasonal wetlands could be managed as semi-permanent wetlands to offset the loss of breeding habitat, but this could further reduce food supplies available to wintering waterfowl under the assumption that semi-permanent wetlands provide few food resources compared to seasonally managed habitats (Central Valley Joint Venture 2006).

The BDCP includes a commitment to protect and enhance 1,600 acres of permanently flooded managed wetlands in Suisun Marsh to provide habitat for breeding waterfowl. In addition, 5,000 acres of semipermanent wetlands that would be protected and enhanced for wintering and migratory waterfowl (see Table 3-4~~,~~ in Chapter 3, *Description of Alternatives*, of this RDEIR/SDEIS; Objective MWNC1.1 in ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP).

Food studies and monitoring would be necessary to determine how increases in tidal marsh and salinity levels would affect the overall reproductive capacity of the marsh. These studies would be needed in order to quantify impacts to breeding waterfowl in Suisun Marsh and to determine not only the number of acres that would compensate for loss of breeding habitat at a ratio of 1:1 for habitat value, but how those acres should be managed. Mitigation Measure BIO-180, *Conduct Food and Monitoring Studies of Breeding Waterfowl in Suisun Marsh*, would be available to address the uncertainty of this effect.

In addition to providing semipermanent wetlands to breeding waterfowl, the Suisun Marsh contains several key upland areas that have significant nesting value. The largest block of upland habitat in the region is the core area on the Grizzly Island Wildlife Area. This area does not overlap with the hypothetical footprint for *CM4 Tidal Natural Communities Restoration*. However, this core area includes over 2,000 acres of upland grasslands that have some of the highest duck nesting densities in California (Central Valley Joint Venture 2006). A few small wetland areas are scattered within this core grassland mosaic that provide necessary freshwater brooding habitat. If restoration footprints were changed during the implementation process of BDCP to overlap with this area, the effects on breeding waterfowl would likely be greatly increased.

NEPA Effects: Implementation of Alternative 4 would reduce managed wetlands in the Yolo and Delta basins by 437 acres and 1,155 acres respectively. Under the assumption that 15% of these wetlands are managed as semi-permanent wetlands, Alternative 4 would reduce semi-permanent wetlands in the Yolo and Delta drainage basins by 77 acres and 203 acres, respectively. The reduction in these semi-permanent habitats would represent a habitat loss for breeding waterfowl. However, with the restoration of 24,000 acres of palustrine tidal wetlands in the Yolo and Delta basins, Alternative 4 would not have an adverse effect on breeding waterfowl. These palustrine habitats would presumably contain water during the breeding period (March through July), and would be expected to compensate for the loss of 280 acres of managed semi-permanent wetlands in the Yolo and Delta watersheds attributed to Alternative 4 implementation. Total managed wetlands in Suisun Marsh would decline from 41,012 acres to 30,640 acres with the conversion of managed seasonal and semi-permanent wetlands to tidal habitats. Some of the remaining seasonal wetlands could be managed as semi-permanent wetlands to offset the loss of breeding habitat, but such management could further reduce food supplies available to wintering waterfowl under the assumption that semi-permanent wetlands provide few food resources compared with seasonally managed habitats. The protection and enhancement of 1,600 acres of permanently flooded managed wetlands would provide habitat for breeding waterfowl. However, food studies and monitoring would be necessary to determine how increases in tidal marsh and salinity levels would affect the overall reproductive capacity of the marsh. Therefore, the loss of breeding waterfowl habitat resulting from implementation of Alternative 4 could have an adverse effect. Mitigation Measure BIO-180, *Conduct Food and Monitoring Studies of Breeding Waterfowl in Suisun Marsh*, would be available to address the uncertainty of model assumptions and the potential adverse effect of habitat conversion on breeding waterfowl in Suisun Marsh.

CEQA Conclusion: Implementation of Alternative 4 would reduce managed wetlands in the Yolo and Delta basins by 437 acres and 1,155 acres respectively. Under the assumption that 15% of these wetlands are managed as semi-permanent wetlands, Alternative 4 would reduce semipermanent wetlands in the Yolo and Delta drainage basins by 77 acres and 203 acres respectively. The reduction in these semi-permanent habitats would represent a habitat loss for breeding waterfowl. However, with the restoration of 24,000 acres of palustrine tidal wetlands in the Yolo and Delta basins, Alternative 4 would have a less-than-significant impact on breeding waterfowl. These palustrine habitats would presumably contain water during the breeding period (March through July), and would be expected to compensate for the loss of 280 acres of managed semi-permanent wetlands in the Yolo and Delta watersheds attributed to Alternative 4.

Total managed wetlands in Suisun Marsh would decline from 41,012 acres to 30,640 acres with the conversion of managed seasonal and semi-permanent wetlands to tidal habitats. Some of the remaining seasonal wetlands could be managed as semi-permanent wetlands to offset the loss of breeding habitat, but this management could further reduce food supplies available to wintering waterfowl under the assumption that semi-permanent wetlands provide few food resources compared with seasonally managed habitats. The protection and enhancement of 1,600 acres of permanently flooded managed wetlands would provide habitat for breeding waterfowl. However, food studies and monitoring would be necessary to determine how increases in tidal marsh and salinity levels would affect the overall reproductive capacity of the marsh. Therefore, the loss or conversion of habitat from implementation of Alternative 4 could have a significant impact on breeding waterfowl in Suisun Marsh. Implementation of Mitigation Measure BIO-180, *Conduct Food and Monitoring Studies of Breeding Waterfowl in Suisun Marsh*, would address the uncertainty of model assumptions and reduce ~~the impact~~the impact to a less-than-significant level.

Mitigation Measure BIO-180: Conduct Food and Monitoring Studies of Breeding Waterfowl in Suisun Marsh

To address the uncertainty of the impact of loss of managed wetlands in Suisun Marsh on breeding waterfowl, BDCP proponents will conduct food studies and monitoring to determine how increases in tidal marsh and salinity levels will affect the overall reproductive capacity of the marsh.

The required studies will examine how increases in tidal marsh and salinity levels will affect the overall reproductive capacity of the Marsh. Reproductive studies will address but will not be limited to the following questions:

- How does the distribution of breeding waterfowl in Suisun Marsh differ in tidal versus managed habitats and across salinity gradients?
- How does waterfowl nest success and nest density vary with respect to tidal versus managed habitats and across salinity gradients?
- What are the patterns of habitat selection and movements by waterfowl broods in relation to tidal vs. managed habitats, and are there impacts on duckling survival?
- What is the current relationship between waterfowl reproductive success and interactions with alternate prey and predators, and how is tidal restoration likely to alter these relationships?

Impact BIO-181: Loss or Conversion of Habitat for Shorebirds from ~~the~~ Implementation of Conservation Components

Shorebird use of the study area varies by species and fluctuates both geographically and by habitat type throughout the year. Shallow flooded agricultural fields and wetlands support large numbers of wintering and migrating shorebirds (Shuford et al. 1998), particularly least and western sandpipers, dunlin, greater yellowlegs and long-billed dowitcher. Rice lands of the Sacramento Valley provide important breeding habitat for shorebirds such as American avocet and black-necked stilt (Shuford et al. 2004) and have been designated as a Western Hemisphere Shorebird Reserve Network Site of International Importance (Hickey et al. 2003). Managed wetlands provide suitable foraging and roosting habitat for shorebirds; black-necked stilts, avocets, and yellowlegs use this habitat type almost exclusively. Water depth in all of these habitat types is an important habitat variable as the majority of shorebird species require water depths of approximately 10–20 cm for foraging (Isola et al. 2000, Hickey et al. 2003).

Managed Wetlands

Yolo Basin: Primarily as a result of *CM4 Tidal Natural Communities Restoration* within the Yolo Basin, 1,185 acres of managed wetland habitat would be permanently converted; 1,066 acres of which are protected. In addition, 42 acres of managed wetland habitat would be temporarily lost by construction-related activities associated with tidal restoration (CM4) and Fisheries Enhancement activities (CM2) (Table 2, ICF International 2013). Increased inundation frequency, depth and duration associated with the ongoing operation of a modified Fremont Weir (CM2) could periodically affect managed wetlands ranging from an estimated 643 acres during a notch flow of 1,000 cfs to an estimated 2,055 acres during a notch flow of 4,000 cfs in the Yolo Basin (see Table 5.4-2, in ~~BDCP~~ Chapter 5, *Effects Analysis*, of the Draft BDCP).

Delta Basin: Within the Delta Basin, 90 acres of managed wetland habitat would be permanently converted, as a result of tidal restoration (CM4). Thirteen of the 90 acres are protected (Table 3, ICF International 2013). Periodic flooding would not affect this natural community type in Delta Basin.

Suisun Basin: Within the Suisun Basin, 11,532 acres of managed wetland habitat would be permanently converted as a result of tidal restoration (CM4); 10,354 of which are protected. (Table 4, ICF International 2013). Periodic flooding would not affect this natural community type in Suisun Basin.

According to Stralberg et al. 2011, the following species of shorebirds had a rank 1 designation for managed wetland habitat suitability (Table 1, ICF International 2013): black-necked stilt (*Himantopus mexicanus*), greater yellowlegs (*Tringa melanoleuca*), and long-billed dowitcher (*Limnodromus scolopaceus*). Dunlin (*Calidris alpine*), least sandpiper (*Calidris minutilla*), semipalmated plover (*Charadrius semipalmatus*), and western sandpiper (*Calidris mauri*), had a rank 2 for managed wetland habitat suitability. Black-bellied plover (*Pluvialis squatarola*) and whimbrel (*Numenius phaeopus*) both had rank 3 for managed wetland habitat suitability.

Managed wetlands would decrease in overall extent by 20% (Table 5, ICF International 2013). Most of this loss would occur in Suisun with some additional acreage loss in the Yolo Basin. The loss of managed wetland habitat for covered species and waterfowl would be compensated for with 8,200 acres remaining managed wetland protection in Suisun Marsh. Of these 8,200 acres, the 5,000 acres of seasonal wetland protected, enhanced, and managed to provide overwintering waterfowl foraging habitat would be the habitat type most likely to benefit overwintering shorebirds. However, the 1,600 acres of semi-permanent and permanent managed wetlands for breeding waterfowl and 1,500 acres of managed wetlands for salt marsh harvest mouse would also be expected to have some benefit to wintering and breeding shorebirds.

Cultivated Lands

Yolo Basin: Primarily as a result of tidal restoration (CM4) and Fisheries Enhancement activities (CM2) within the Yolo Basin, 8,309 acres of cultivated lands would be permanently converted; 1,272 acres of which are protected. Also within the Yolo Basin, increased inundation frequency, depth and duration associated with the ongoing operation of a modified Fremont Weir (CM2) could affect an estimated 3,219 acres of cultivated lands during a notch flow of 1,000 cfs to an estimated 5,512 acres during a notch flow of 6,000 cfs (see Table 5.4-2~~,~~ in ~~BDCP~~ Chapter 5, *Effects Analysis*, of the Draft BDCP).

Delta Basin: Within the Delta Basin, as a result of tidal restoration (CM4) and floodplain restoration (CM5), 25,633 acres of cultivated lands would be permanently converted. There would also be an additional 112 acres lost temporarily due to CM5 activities. Of the total permanently converted lands, 3,925 acres are protected (Table 3, ICF International 2013). Seasonal flooding (CM5) on the restored floodplain would periodically affect 738 acres of cultivated lands in Delta.

According to Stralberg et al. 2011, the following species of shorebirds had a rank 1 designation for cultivated lands habitat suitability (Table 1, ICF International 2013): killdeer (*Charadrius* *vociferous*), long-billed curlew, and whimbrel within pasture habitat and sandhill crane was ranked 1 for grain and hay crops. Long-billed dowitcher and killdeer both had a rank 2 for idle crop habitat suitability and black-bellied plover was ranked 2 for pasture habitat. Red-necked phalarope (*Phalaropus lobatus*) and Wilson's phalarope (*Phalaropus tricolor*) were both ranked 2 for grain and hay crops. Long-billed dowitcher, dunlin, least sandpiper, and long-billed curlew were all ranked 3 for rice habitat suitability and killdeer was ranked 3 for field crop habitat suitability.

Cultivated land loss would occur in all three basins, but the majority of acreage loss would occur in the Delta basin. Pasture crop types would decrease in overall extent by 15% over baseline (Table 5, ICF International 2013), but would increase in protection by 135%. More than half of all cultivated lands within the 48,000-acre BDCP cultivated lands reserve would be in pasture production (primarily alfalfa) and enhanced and managed to benefit Swainson's hawk. Idle crop types are not identified as a specific conservation target in the BDCP, are expected to occur within the reserve and are recognized in the BDCP as having "moderate" foraging habitat value for Swainson's hawk, white-tailed kite, and greater sandhill crane.

Grain and hay crop would be expected to decrease by 13% (Table 5, ICF International 2013) while protection, enhancement and management would be expected to increase by 28% (Table 6, ICF International 2013). These crop types would be managed for a tricolored blackbirds, Swainson's hawk, white-tailed kite, greater sandhill crane, and burrowing owls.

Rice would decrease in overall extent by 2% (Table 5, ICF International 2013) but increase in total protection by 57%. Rice lands would be protected, enhanced, and managed for the benefit for giant garter snake.

Tidal Wetlands

Yolo Basin: As a result of tidal restoration (CM4) and Fisheries Enhancement activities (CM2) within the Yolo Basin, 194 acres of tidal wetland habitat would be permanently converted; 180 acres of which are protected. In addition, 12 acres of tidal wetland habitat would be temporarily lost by construction-related activities associated with Fisheries Enhancement activities (CM2) (Table 2, ICF International 2013). Periodic flooding in Yolo Bypass would affect 3,957 acres of tidal wetlands in Yolo Basin.

Delta Basin: Within the Delta Basin, 54 acres of tidal wetlands would be permanently converted as a result of tidal restoration (CM4) (Table 3, ICF International 2013). Of the total permanently converted lands, 26 acres are protected. Periodic flooding in Yolo Bypass would affect 26 acres of tidal wetlands in Delta Basin.

Suisun Basin: Within the Suisun Basin, 219 acres of tidal wetland habitat would be permanently converted as a result of tidal restoration (CM4); 215 of which are protected. (Table 4, ICF International 2013). Periodic flooding would not affect this natural community type in Suisun Basin.

According to Stralberg et al. 2011, the following species of shorebirds had a rank 1 designation for tidal mudflat habitat suitability (Table 6, ICF International 2013): black-bellied plover, dunlin, least sandpiper, marbled godwit (*Limosa fedoa*), semipalmated plover, short-billed dowitcher (*Limnodromus griseus*), western sandpiper, and willet (*Tringa semipalmata*). Long-billed curlew (*Numenius americanus*) and whimbrel both had a rank 2 for tidal mudflat habitat suitability. American avocet (*Recurvirostra americana*) was ranked 3 for tidal mudflat habitat suitability. For tidal brackish emergent wetland/tidal freshwater emergent wetland, willet was ranked 2 and long-billed curlew and whimbrel were both ranked 3 for habitat suitability.

Tidal mudflat habitat would be estimated to increase in extent by 1,780 acres. This extremely large increase in tidal mudflat habitat would occur almost exclusively in Suisun Marsh as the result of tidal restoration and the conversion of existing mid- and high-marsh types to low marsh and tidal mudflats in response to sea level rise. ~~BDCP~~ Appendix 3.B, *BDCP Tidal Habitat Evolution Assessment*, of the Draft BDCP details the methods and assumptions modeled to come about this result. Tidal mudflat habitats would be expected to require management, however, sediment augmentation has been discussed as an experimental method that could be employed in places like Suisun to combat the loss of intertidal marshes in the face of sea level rise and reduced sediment supplies.

Tidal emergent wetland habitat would increase in extent by 152% (Table 5, ICF International 2013). Of the 30,000 acres of emergent wetland restoration, 6,000 acres would be in the Suisun Basin and the rest would be distributed between the Yolo and Delta Basins. Enhancement and management on these lands would be likely to be focused on nonnative, invasive species management. Any additional actions in Suisun would be focused on salt marsh harvest mouse, Suisun shrew, California clapper rail, black rail, Suisun thistle, and soft bird's-beak. In freshwater marshes, enhancement and management would be likely to focus on black rail, western pond turtle, and, in some cases, giant garter snake.

Nontidal Wetlands

Yolo Basin: As a result of tidal restoration (CM4) and fisheries enhancement activities (CM2) within the Yolo Basin, 313 acres of nontidal wetland habitat would be permanently converted; 119 acres of which are protected. In addition, 11 acres of nontidal wetland habitat would be temporarily lost by construction-related activities associated with fisheries enhancement activities (CM2) (Table 2, ICF International 2013). Periodic flooding in Yolo Bypass associated with ongoing Fremont Weir operation (CM2) would affect 305 acres of nontidal wetlands in Yolo Basin, specifically nontidal perennial aquatic habitat.

Delta Basin: Within the Delta Basin, 99 acres of nontidal wetlands would be permanently converted as a result of tidal restoration (CM4) and floodplain restoration (CM5) (Table 3, ICF International 2013). There would also be 8 acres of nontidal perennial aquatic habitat temporarily lost from CM5 activities. Of the total permanently converted lands, 29 acres are protected. Periodic flooding from CM5 would affect 4 acres of nontidal perennial aquatic habitat in Delta Basin.

Suisun Basin: Within the Suisun Basin, 1 acre of nontidal wetland habitat, specifically vernal pool complex, would be permanently converted as a result of tidal restoration (CM4); and is not protected. (Table 4, ICF International 2013). Periodic flooding would not affect this natural community type in Suisun Basin.

According to Stralberg et al. 2011, the following species of shorebirds had a rank 1 designation for nontidal wetland habitat suitability (Table 6, ICF International 2013): red-necked phalarope and Wilson's phalarope for nontidal freshwater perennial emergent wetland and American avocet for alkali seasonal wetland complex. Greater yellowlegs had a rank 2 for vernal pool complex habitat suitability. Red-necked phalarope and western sandpiper were both ranked 3 for alkali seasonal wetland habitat suitability and greater yellowlegs was ranked 3 for nontidal freshwater perennial emergent wetland habitat suitability.

Nontidal freshwater emergent wetland would increase in extent by 88% as a result of BDCP implementation (Table 5, ICF International 2013). These lands would be managed to benefit giant garter snake and located within the Delta Basin (likely in the vicinity of White Slough) and the Yolo Basin (in the Cache Slough area).

Impacts on wetted acres of vernal pool complex and alkali seasonal wetland complex would be avoided and thus loss of this community is not expected. However, up to 10 acres of wetted acre loss could be permitted under the Plan. Protection of vernal pool complex natural community would increase by 13% and by 6% for alkali seasonal wetlands (Table 6, ICF International 2013). Protection of these two community types would enhance and manage habitat for vernal pool crustaceans and alkali-related plant species.

The protection and restoration of natural communities would also include management and enhancement actions under *CM11 Natural Communities Enhancement and Management.* The following management activities to benefit shorebirds would be considered for implementation under CM11 in areas where they would not conflict with covered species management.

- Managed wetlands:
  - Managed wetlands can be potentially manipulated to provide the optimum water depths for foraging shorebirds and islands for nesting (Hickey et al. 2003).
  - During fall and spring, stagger the timing and location of draining and flooding to optimize the extent of shallow-water habitat; varying depths within the wetland unit helps to create temporal variation in foraging opportunities. During warm, dry springs when wetland units dry quickly, wetland units can be re-supplied with water to extend habitat availability for shorebirds.
  - Provide open, shallow water habitat adjacent to minimally vegetated, shallowly sloped edges for nesting shorebirds between April and July.
  - Provide islands with little to no vegetation to increase the likelihood of shorebird roosting and nesting.
  - Create low slopes on islands and levees; gradual angles (10-12:1) are better than steep angles.
  - Limit levee maintenance during the nesting season (April through July). However, mowing the center of levees is fine.
  - Potentially add material to levees or to islands to encourage nesting for some species.
- Cultivated Lands:
  - Maintaining a mosaic of dry and flooded crop types, and varying water depths will promote a diverse community of waterbirds, including shorebirds, during fall migration and winter (Shuford et al. 2013).
  - To provide wintering habitat for multiple waterbird guilds, including shorebirds, use a combination of flooding practices that include one-time water application and maintenance flooding while also providing unflooded habitat (Strum et al. *in review*).
  - The post-harvest flooding of winter wheat and potato fields in early fall (July- September) can provide substantial benefits to shorebirds at a time of very limited shallow-water habitat on the landscape (Shuford et al. 2013).

- ○ Stagger the drawdown of flooded rice and other winter-flooded agricultural fields to prolong the availability of flooded habitat (Iglecia et al. 2012). Be aware of soil type because this practice may not be as effective on soils that drain quickly.
- ○ Remove as much stubble as possible in rice and other agricultural fields after harvest to increase the potential shorebird habitat on intentionally flooded or unflooded fields that may passively gather rain water (Iglecia et al. 2012).
- ○ Shallowly flood available agricultural fields during July, August, and September to provide early fall migration habitat for shorebirds. Fields should be free of vegetation prior to flooding, have minimal micro-topography (e.g. no large clods), and should remain flooded for up to three week periods (after three weeks, vegetation encroachment reduces habitat value for shorebirds; ICF International 2013).
- ○ Manage levee habitats to have minimal vegetation but do not spray herbicide directly or drive on levees during the nesting season (April- July, Iglecia et al. 2012).
- ○ Maintain a minimum top-width of 30 inches for levees, based on increased avocet use of wider levees (Iglecia et al. 2012).
- ○ When possible, flood fields with nesting habitat (modified levees and islands) in late April to provide nesting habitat for American avocets (Iglecia et al. 2012).
- ○ Finer grained substrate (clods smaller than a fist) in rice and other agricultural fields may be more appealing for nesting shorebirds (Iglecia et al. 2012).
- ○ Maintain gently sloping levees and island sides (10-12:1; Iglecia et al. 2012).
- ○ Islands should be disked along with the rest of the field after harvest to help inhibit vegetation growth (Iglecia et al. 2012).

NEPA Effects: Alternative 4 implementation would result in the conversion of managed wetland and cultivated lands to tidal natural communities, including tidal mudflat. The result would be substantial loss of the primary habitat of black-necked stilt, American avocet, greater yellowlegs, and long-billed dowitcher and a gain in the primary habitat of black-bellied plover, dunlin, least sandpiper, marbled godwit, semipalmated plover, short-billed dowitcher, western sandpiper, and willet. While substantial losses of cultivated lands would be incurred, protection, enhancement, and management of the remaining acres would likely have substantial benefits for select species of wintering and breeding shorebirds. This is because impacts on crop types would be distributed across all crop types, while protection would focus primarily on pasture lands, grain and hay, corn, and rice types. While the protection, enhancement, and management of these crop types are being driven by covered species, these management actions would also benefit shorebirds. The protection, enhancement, and management of remaining managed wetlands in Suisun Marsh, in compensation for the loss of substantial acreage, would have some incremental benefits for shorebirds, but would be unlikely to compensate for the overall loss. However, with the protection and restoration of acres in the Delta and Yolo watersheds, in addition to the implementation of the management actions outlined in *CM11 Natural Communities Enhancement and Management*, habitat conversion would not be expected to result in an adverse effect on shorebird populations in the study area.

CEQA Conclusion: Alternative 4 implementation would result in the conversion of managed wetland and cultivated lands to tidal natural communities, including tidal mudflat. The result would be significant loss of the primary habitat of black-necked stilt, American avocet, greater yellowlegs, and long-billed dowitcher and a gain in the primary habitat of black-bellied plover, dunlin, least sandpiper, marbled godwit, semipalmated plover, short-billed dowitcher, western sandpiper, and willet. While significant losses of cultivated lands would be incurred, protection, enhancement, and management of the remaining acres would likely have substantial benefits for select species of wintering and breeding shorebirds. This is because impacts on crop types would be distributed across all crop types, while protection would focus primarily on pasture lands, grain and hay, corn, and rice types. While the protection, enhancement, and management of these types are being driven by covered species, these management actions would also benefit shorebirds. The protection, enhancement, and management of remaining managed wetlands in Suisun Marsh, in compensation for substantial acreage loss, would have some incremental benefits for shorebirds, but would be unlikely to compensate for the overall loss. However, with the protection and restoration of acres in the Delta and Yolo watersheds, in addition to the implementation of the management actions outlined in *CM11 Natural Communities Enhancement and Management*, habitat conversion would be expected to have a less-than-significant impact on shorebird populations in the study area.

Impact BIO-182: Effects on Shorebirds and Waterfowl Associated with Electrical Transmission Facilities

New transmission lines installed in the study area would increase the risk for bird-power line strikes, which could result in injury or mortality of shorebirds and waterfowl. The existing network of power lines in the study currently poses a risk for shorebirds and waterfowl in the Delta. New transmission lines would increase this risk and have an adverse effect on shorebird and waterfowl species in the absence of other conservation actions. The implementation of *AMM20 Greater Sandhill Crane* would reduce potential effects through the installation of flight-diverters on new transmission lines, and selected existing transmission lines in the study area.

NEPA Effects: New transmission lines would increase the risk for shorebird and waterfowl power line strikes. With the implementation of *AMM20 Greater Sandhill Crane*, the potential effect of the construction of new transmission lines on shorebird and waterfowl would not be adverse.

CEQA Conclusion: New transmission lines would increase the risk for shorebird and waterfowl power line strikes which could have a substantial adverse effect as a result of direct mortality. This impact would be significant. The implementation of *AMM20 Greater Sandhill Crane* would reduce the potential impact of power line strikes from the construction of new transmission lines on shorebirds and waterfowl to a less-than-significant level.

Impact BIO-183: Indirect Effects of Plan Implementation on Shorebirds and Waterfowl

Indirect construction- and operation-related effects: Noise and visual disturbances associated with construction-related activities could result in temporary disturbances that affect shorebird and waterfowl use of modeled habitat. Indirect effects associated with construction include noise, dust, and visual disturbance caused by grading, filling, contouring, and other ground-disturbing operations. Construction-related noise and visual disturbances could disrupt nesting and foraging behaviors, and reduce the functions of suitable habitat which could result in an adverse effect on these species. Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to minimize adverse effects on active nests. The use of mechanical equipment during water conveyance construction could cause the accidental release of petroleum or other contaminants that could affect shorebirds and waterfowl or their prey in the surrounding habitat. AMM1–AMM7, including *AMM2 Construction Best Management Practices and Monitoring*, would minimize the likelihood of such spills from occurring. The inadvertent discharge of sediment or excessive dust adjacent to shorebirds and waterfowl in the study area could also have a negative effect on these species. AMM1–AMM7 would ensure that measures were in place to prevent runoff from the construction area and the negative effects of dust on wildlife adjacent to work areas.

Methylmercury Exposure: Covered activities have the potential to exacerbate bioaccumulation of mercury in ~~avian species, including~~ shorebird and waterfowl species. ~~Marsh (tidal and nontidal) and floodplain restoration have the potential to increase exposure to methylmercury.~~ Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains (Alpers et al. 2008).Bioaccumulation of ~~methlymercuy~~methylmercury varies by species as there are taxonomic differences in rates of detoxification within the liver (Eagles-Smith et al. 2009). Organisms feeding within pelagic-based (algal) food webs have been found to have higher concentrations of methylmercury than those in benthic or epibenthic food webs; this has been attributed to food chain length and dietary segregation (Grimaldo et al. 2009). That is, the pelagic food chain tends to be longer than the benthic food chain, which allows for greater biomagnification of methylmercury in top predators. Also, there is less prey diversity at the top of the pelagic food chain than in the benthic food chain; pelagic top predators eat smaller fish and little else, while benthic top predators consume a variety of organisms, many of which are lower in the food chain than fishes and thus have less potential for methylmercury biomagnification. Shorebirds and waterfowl that forage on invertebrates and bivalves, may therefore have lower concentrations of methylmercury than diving ducks that forage on fish. ~~Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of mercury (see BDCP Chapter 3, *Conservation Strategy*, for details of restoration). Species sensitivity to methylmercury differs widely and there is a large amount of uncertainty with respect to species-specific effects. .~~ A detailed review of the methylmercury issues associated with implementation of the BDCP ~~are~~is contained in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS.~~Appendix D which~~The review includes an overview of the BDCP-related mechanisms that could result in increased mercury in the food web, and how exposure to individual species may occur based on feeding habits and where their habitat overlaps with the areas where mercury bioavailability could increase.

Largemouth bass was used as a surrogate species for analysis (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix D~~) and the modeled effects of mercury concentrations from changes in water operations under CM1 on largemouth bass did not differ substantially from existing conditions; therefore, results also indicate that shorebird and waterfowl mercury tissue concentrations would not measurably increase as a result of CM1 implementation.

Mercury is transformed into the more bioavailable form of methylmercury in aquatic systems, especially areas subjected to regular wetting and drying such as tidal marshes and flood plains. Thus, BDCP restoration activities that create newly inundated areas (CM4 and CM5) could increase bioavailability of mercury. In general, the highest methylation rates are associated with high tidal marshes that experience intermittent wetting and drying and associated anoxic conditions (Alpers et al. 2008). ~~Increased methylmercury associated with natural community and floodplain restoration could indirectly affect shorebirds and waterfowl, via uptake in lower tropic levels (as described in the BDCP Appendix 5.D, *Contaminants*).~~ Mercury is generally elevated throughout the Delta, and restoration of the lower potential areas in total may result in generalized, very low level increases of mercury. Given that some species have elevated mercury tissue levels pre-BDCP, these low level increases could result in some level of effects. Restoration in Suisun Marsh would convert managed wetlands to tidal wetlands, which would be expected to result in an overall reduction in mercury methylation.

Due to the complex and very site-specific factors that will determine if mercury becomes mobilized into the foodweb, *CM12 Methylmercury Management*~~,~~ is included to provide for site-specific evaluation for each restoration project. On a project-specific basis, where high potential for methylmercury production is identified that restoration design and adaptive management cannot fully address while also meeting restoration objectives, alternate restoration areas ~~will~~would be considered. CM-12 ~~will~~would be implemented in coordination with other similar efforts to address mercury in the Delta, and specifically with the DWR Mercury Monitoring and Analysis Section. This conservation measure ~~will~~would include the following actions.

- Assess pre-restoration conditions to determine the risk that the project could result in increased mercury methylation and bioavailability
- Define design elements that minimize conditions conducive to generation of methylmercury in restored areas.
- Define adaptive management strategies that can be implemented to monitor and minimize actual postrestoration creation and mobilization of methylmercury.

~~In addition, the potential mobilization or creation of methylmercury within the Plan Area varies with site-specific conditions and would need to be assessed at the project level. Measures described in BDCP Chapter 3, Section 3.4.12, *Conservation Measure 12 Methylmercury Management*, include provisions for project-specific Mercury Management Plans. Site-specific restoration plans that address the creation and mobilization of mercury, as well as monitoring and adaptive management as described in CM12 would be available to address the uncertainty of methylmercury levels in restored tidal marsh and potential impacts on shorebirds and waterfowl.~~

Selenium Exposure: Selenium is an essential nutrient for avian species and has a beneficial effect in low doses. However, higher concentrations can be toxic (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and can lead to deformities in developing embryos, chicks, and adults, and can also result in embryo mortality (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009). The effect of selenium toxicity differs widely between species and also between age and sex classes within a species. In addition, the effect of selenium on a species can be confounded by interactions with the effects of other contaminants such as mercury (Ackerman and Eagles-Smith 2009).

The primary source of selenium bioaccumulation in birds is through their diet (Ackerman and Eagles-Smith 2009, Ohlendorf and Heinz 2009) and selenium concentration in species differs by the trophic level at which they feed (Ackerman and Eagles-Smith 2009, Stewart et al. 2004). At Kesterson Reservoir in the San Joaquin Valley, selenium concentrations in invertebrates have been found to be two to six times the levels in rooted plants. Furthermore, bivalves sampled in the San Francisco Bay contained much higher selenium levels than crustaceans such as copepods (Stewart et al. 2004). Studies conducted at the Grasslands in Merced County recorded higher selenium levels in black-necked stilts which feed on aquatic invertebrates than in mallards and pintails, which are primarily herbivores (Paveglio and Kilbride 2007). Diving ducks in the San Francisco Bay (which forage on bivalves) have much higher levels of selenium levels than shorebirds that prey on aquatic invertebrates (Ackerman and Eagles-Smith 2009). Therefore, birds that consume prey with high levels of selenium have a higher risk of selenium toxicity.

Selenium toxicity in avian species can result from the mobilization of naturally high concentrations of selenium in soils (Ohlendorf and Heinz 2009) and covered activities have the potential to exacerbate bioaccumulation of selenium in avian species, including shorebird and waterfowl species. Marsh (tidal and nontidal) and floodplain restoration have the potential to mobilize selenium, and therefore increase avian exposure from ingestion of prey items with elevated selenium levels. Thus, BDCP restoration activities that create newly inundated areas could increase bioavailability of selenium (see ~~BDCP~~ Chapter 3, *Conservation Strategy*, of the Draft BDCP for details of restoration). Changes in selenium concentrations were analyzed in Chapter 8, *Water Quality*, of the Draft EIR/EIS and it was determined that, relative to Existing Conditions and the No Action Alternative, CM1 would not result in substantial, long-term increases in selenium concentrations in water in the Delta under any alternative. However, it is difficult to determine whether the effects of potential increases in selenium bioavailability associated with restoration-related conservation measures (CM4 and CM5) would lead to adverse effects on shorebirds and waterfowl species.

Because of the uncertainty that exists at this programmatic level of review, there could be a substantial effect on shorebirds and waterfowl from increases in selenium associated with restoration activities. This effect would be addressed through the implementation of *AMM27 Selenium Management* (Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~BDCP Appendix 3.C, *Avoidance and Minimization Measures*~~) which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Furthermore, the effectiveness of selenium management to reduce selenium concentrations and/or bioaccumulation would be evaluated separately for each restoration effort as part of design and implementation. This avoidance and minimization measure would be implemented as part of the tidal habitat restoration design schedule.

***NEPA Effects*:** Noise and visual disturbances from the construction of Alternative 4 water conveyance facilities could reduce shorebird and waterfowl use of modeled habitat adjacent to work areas. Moreover, operation and maintenance of the water conveyance facilities, including the transmission facilities, could result in ongoing but periodic postconstruction disturbances that could affect shorebird and waterfowl use of the surrounding habitat. AMM1–AMM7 would minimize these effects, and Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would be available to address adverse effects on nesting individuals.

Tidal habitat restoration could result in increased exposure of shorebirds and waterfowl to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats. Therefore, the indirect effects associated with noise and visual disturbances, and increased exposure to selenium from Alternative 4 implementation would not have an adverse effect on shorebirds and waterfowl.

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Tidal habitat restoration could result in increased exposure of California least tern to methylmercury. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the concentrations of methylmercury that are harmful varies by species, and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in no adverse effect on shorebirds and waterfowl.

~~Tidal habitat restoration is unlikely to have an adverse effect on shorebirds and waterfowl through increased exposure to methylmercury, as these species currently nest and forage in tidal marshes with elevated methylmercury levels. However, it is unknown what concentrations of methylmercury are harmful to species of waterfowl and shorebirds, and the potential for increased exposure would vary substantially within the study area. Site-specific restoration plans in addition to monitoring and adaptive management, described in *CM12 Methylmercury Management*, would address the uncertainty of methylmercury levels in restored tidal marsh. Once site-specific sampling and other information is developed, the site-specific planning phase of marsh restoration would be the appropriate place to assess the potential risk of shorebird and waterfowl exposure to methylmercury.~~

CEQA Conclusion: ~~Noise~~Indirect effects that include noise and visual disturbance, potential hazardous spills, ~~and~~ increased dust and sedimentation, and increased methylmercury and selenium exposure as a result of Alternative 4 water conveyance facilities construction and operation and maintenance would represent an adverse effect as a result of habitat modification and potential for direct mortality of shorebirds and waterfowl in the absence of other conservation actions. This would be a significant impact. ~~have a significant impact on shorebirds and waterfowl~~.

AMM1–AMM7~~.~~, ~~would minimize these impacts~~, and implementation of Mitigation Measure BIO-75, *Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds*, would reduce potential adverse effects of noise, visual disturbance and potential for spills, dust, and sedimentation. ~~the impacts to a less-than-significant level.~~

Tidal habitat restoration could result in increased exposure of shorebirds and waterfowl to selenium. This effect would be addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.

Changes in water operations under CM1 would not be expected to result in increased mercury bioavailability or exposures to Delta foodwebs. Tidal habitat restoration could result in increased exposure of California least tern to methylmercury. There is potential for increased exposure of the foodwebs to methylmercury in these areas, with the level of exposure dependent on the amounts of mercury available in the soils and the biogeochemical conditions. However, the concentrations of methylmercury that are harmful varies by species, and the potential for increased exposure varies substantially within the study area. Implementation of CM12 which contains measures to assess the amount of mercury before project development, followed by appropriate design and adaptation management, would minimize the potential for increased methylmercury exposure, and would result in a less-than-significant impact on shorebirds and waterfowl.

~~Tidal habitat restoration is unlikely to have a significant impact on shorebirds and waterfowl species through increased exposure to methylmercury, as these species currently nest and forage in tidal marshes with elevated methylmercury levels. However, it is unknown what concentrations of methylmercury are harmful to species of waterfowl and shorebirds. Site-specific restoration plans that address the creation and mobilization of mercury, as well as the monitoring and adaptive management described in CM12, would be the appropriate place to assess the potential risk of shorebird and waterfowl exposure to methylmercury in the study area. Tidal habitat restoration could result in increased exposure of shorebirds and waterfowl to selenium. This effect would be~~

~~addressed through the implementation of *AMM27 Selenium Management*, which would provide specific tidal habitat restoration design elements to reduce the potential for bioaccumulation of selenium and its bioavailability in tidal habitats.~~

Therefore, with AMM1-7, AMM27, and CM 12 in place, in addition to the implementation of Mitigation Measure BIO-75, the indirect effects of Alternative 4 implementation would not result in a substantial adverse effect through habitat modification or potential mortality. Therefore, the indirect effects of Alternative 4 implementation would have a less-than-significant impact on ~~have a less-than-significant impact on~~ shorebirds and waterfowl.

Mitigation Measure BIO-75: Conduct Preconstruction Nesting Bird Surveys and Avoid Disturbance of Nesting Birds

See Mitigation Measure BIO-75 under Impact BIO-75.

Common Wildlife and Plants

Common wildlife and plants are widespread, often abundant, species that are not all covered under laws or regulations that address conservation or protection of individual species. Common wildlife do have some level of protection under California Fish and Game Code and most bird species have protections under the Migratory Bird Treat Act. Examples of common wildlife and plants occurring in the study area are provided within the discussion for each natural community type in Section 12.1.2.2, *Special-Status and Other Natural Communities*. Impacts on common wildlife and plants would occur through the same mechanisms discussed for natural communities and special-status wildlife and plants for each alternative.

Impact BIO-184: Effects on Habitat and Populations of Common Wildlife and Plants

Effects on habitat of common wildlife and plants, including habitat removal and conversion, are discussed the analysis of Alternative 4 effects on natural communities (Impacts BIO-1 through BIO-31). In general, effects on habitat of common wildlife and plants would not be adverse. Through the course of implementing the Plan over a 50-year time period, several natural communities and land cover types would be reduced in size, primarily from restoration of other natural communities. Grassland, managed wetland and cultivated lands would be reduced in acreage, so the common species that occupy these habitats would be affected. However, the losses in acreage and value of these habitats would be offset by protection, restoration, enhancement, and management actions contained in the BDCP, including *CM3 Natural Communities Protection and Restoration*, *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM6 Channel Margin Enhancement*, *CM7 Riparian Natural Community Restoration*, *CM8 Grassland Natural Community Restoration*, *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, *CM10 Nontidal Marsh Restoration*, and *CM11 Natural Communities Enhancement and Management*. In addition, the AMMs contained in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP, and ~~an~~ updated versions of AMMs 6, 11, 20, 26, and 27 in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS~~Appendix 3.C of the BDCP~~ would be in place to reduce or eliminate the potential to adversely affect both special-status and common wildlife and plants.

Direct effects on common wildlife and plants from constructing water conveyance facilities and implementing BDCP conservation measures would include construction or inundation-related disturbances that result in injury or mortality of wildlife or plants and the immediate displacement of wildlife. Indirect effects include project-related disturbances to nearby wildlife and plants during construction (e.g., disruption of breeding and foraging behaviors from noise and human activity, habitat degradation from fugitive dust and runoff) and effects occurring later in time (e.g., collisions of birds with transmission lines, habitat fragmentation, vegetation management). Indirect effects could result both from construction and from operations and maintenance (e.g., ground disturbances could result in the spread and establishment of invasive plants).

NEPA Effects: The direct and indirect effects associated with implementing the conservation measures of Alternative 4 would not be adverse because the conservation measures and AMMs also expand and protect natural communities, avoid or minimize effects on special-status species, prevent the introduction and spread of invasive species, and enhance natural communities. These actions would result in avoiding and minimizing effects on common wildlife and plants as well.

CEQA Conclusion: Construction and operation of the water conveyance facilities and habitat restoration activities would have impacts on common wildlife and plants in the study area through habitat loss and through direct or indirect loss or injury of individuals. The loss of habitat would not be substantial, because habitat restoration would increase the amount and extent of habitat available for use by most common wildlife and plant species. Conservation measures to avoid or minimize effects on special-status species, to prevent the introduction and spread of invasive species, and to enhance natural communities also would result in avoiding and minimizing effects on common wildlife and plants. Consequently, implementation of the BDCP is not expected to cause any populations of common wildlife or plants to drop below self-sustaining levels, and this impact would be less than significant. No mitigation would be required.

Wildlife Corridors

Essential Connectivity Areas (ECAs) are lands likely to be important to wildlife movement between large, mostly natural areas at the state wide level. The ECAs form a functional network of wildlands that are considered important to the continued support of California's diverse natural communities. Four general areas were identified within the study area that contain ECAs (Figure 12-2). The BDCP also identified important landscape linkages in the Plan Area to guide reserve design, which can also be seen on Figure 12-2.

Impact BIO-185: Effect of BDCP Conservation Measures on Wildlife Corridors

Alternative 4 water conveyance facilities would cross two of the ECAs identified during the analysis, the Stone Lake-Yolo Bypass ECA and the Mandeville Island-Staten Island ECA. The conveyance facilities would also cross two landscape linkages identified in the BDCP, the *Middle River* linkage (#6 in Figure 12-2) and the *Cosumnes to Stone Lakes* linkage (#10 in Figure 12-2). Though the conveyance facilities shown on Figure 12-2 overlap with the line representing the *Sacramento River* linkage (#9 in Figure 12-2) this line generally represents the course of the Sacramento River and is intended to address the needs of aquatic species and will thus not be addressed in this chapter.

The construction of Intakes 2 and 3, the rerouting of Hwy 160, temporary tunnel work areas, and ~~associated borrow and~~ RTM areas~~,~~ ~~just east of Clarksburg,~~ would occur within the Stone Lake-Yolo Bypass ECA. These activities would result in the permanent loss of narrow strips of riparian vegetation along the Sacramento River and the permanent and temporary loss of cultivated lands. Alternative 4 would not substantially increase impediments to movement of any nonavian wildlife that could move from Stone Lakes to Yolo Bypass because the Sacramento River and Sacramento River Deep Water Ship Channel already create a barrier to dispersal for nonavian species. However, the conversion of riparian and cultivated lands and the presence of the intakes would locally constrict the north-south movement of nonavian terrestrial species in the area between the Sacramento River and the Southern Pacific Dredger Cut west of Stone Lakes, as well as the east-west movement between Stone Lakes and the east bank of the Sacramento River. No records of wildlife species were identified within these construction footprints, though there are several records for Swainson's hawk in the vicinity. Though there would be losses in Swainson's hawk foraging habitat and potential nesting habitat in these areas, these loses would not substantially impede the movements of Swainson's hawks in the area. The loss in habitat is addressed in the Swainson's hawk effects analysis.

The addition of ~~new permanent~~ temporary transmission lines within the Stone Lake-Yolo Bypass ECA and across the *Cosumnes to Stone Lakes* linkage, which would be in place for approximately 7 years, could adversely affect birds during periods of low visibility. Sandhill cranes that are known to roost at Stones Lakes could particularly be adversely affected by the addition of the north-south running transmission line to the west of Stone Lakes and by the east-west transmission line between Stone Lakes and the Cosumnes Preserve; however this line would generally parallel an existing transmission line. The *Cosumnes to Stone Lakes* linkage was developed by BDCP for reserve planning to benefit greater sandhill crane movement from north to south in the Plan Area. Because the proposed east-west transmission line parallels an existing line and would only be in place for approximately 7 years it would not likely create a barrier to the future movement of cranes in this area (see impact discussions for greater and lesser sandhill cranes).

The Alternative 4 conveyance facilities would also pass through the Mandeville Island-Staten Island ECA, which also has several know roost locations for greater sandhill crane. Within this ECA, Alternative 4 would result in the construction of a ~~temporary reusable tunnel material conveyor across Staten Island from north to south,~~ large RTM disposal area~~s~~ on ~~Staten and~~ Bouldin Island~~s~~, permanent access roads on Bouldin and Mandeville Islands, and temporary transmission lines across most of the ECA. As discussed above, the temporary transmission lines could adversely affect the movement of cranes and other bird species during periods of low visibility. The RTM disposal area ~~would not~~may create a physical barrier to movement for some species and ~~but~~ could make this area unusable as wildlife habitat for ~~at least~~close to 10 years during the tunnel construction. ~~The reusable tunnel material conveyor would create a temporary north-south barrier down the length of Staten Island.~~ The access roads are mostly located on existing dirt and paved roads and would therefore not create any new physical barriers but could temporarily increase road mortality during periods of construction. The conveyance alignment at this location would be within the tunnel and thus not create a barrier to wildlife movement.

Alternative 4 temporary transmission lines would cross the *Middle River* linkage on Woodward Island. This linkage was established to guide riparian restoration along the Middle River to improve riparian connectivity for the benefit of riparian brush rabbit, riparian woodrat, least Bell's vireo, yellow-breasted chat, yellow-billed cuckoo, Swainson's hawk, and white-tailed kite. Because this transmission line is temporary it would only temporarily conflict with the future planning for and the current movement of the avian species that use riparian corridors.

Alternative 4 conveyance facilities would create some localized disruption in wildlife movement and the temporary and permanent transmission lines would create additional barriers to movement for avian species during periods of low visibility. However, overall the Alternative 4 alignment would not create substantial barriers to movement between ECAs because the majority of the alignment consists of a tunnel that would be beneath riparian corridors, which are the most likely dispersal routes for terrestrial animals in the majority of the study area, and because the large surface impacts (the intakes) are in areas that already have barriers to movement for nonavian terrestrial species (Sacramento River and Sacramento River Deep Water Ship Channel).

Restoration activities would occur in the ECAs within Yolo Bypass (*CM2 Yolo Bypass Fisheries Enhancement*) and within the Grizzly Island-Lake Marie ECA (*CM4 Tidal Natural Communities Restoration*). These activities would generally improve the movement of wildlife within and outside of the study area. In addition, the preservation of restored lands (CM3) and the enhancement and management of these areas (CM11) would improve and maintain wildlife corridors within the study area.

NEPA Effects: Alternative 4 conveyance facilities would create local barriers to dispersal but overall the restoration activities would improve opportunities for wildlife dispersal within the study area and between areas outside of the study area and therefore overall Alternative 4 would not adversely affect wildlife corridors.

CEQA Conclusion: Alternative 4 conveyance facilities would create some localized disruption in wildlife movement and the permanent and temporary transmission lines would create additional barriers to movement for avian species during periods of low visibility. However, overall the Alternative 4 alignment would not create substantial barriers to movement between ECAs because the majority of the alignment consists of a tunnel that would be beneath riparian corridors, which are the most likely dispersal routes for terrestrial animals in the majority of the study area, and because the large surface impacts, (the intakes) are in areas that already have barriers to movement for nonavian terrestrial species (Sacramento River and Sacramento River Deep Water Ship Channel).

Restoration activities would occur in the ECAs within Yolo Bypass (*CM2 Yolo Bypass Fisheries Enhancement*) and within the Grizzly Island-Lake Marie ECA (*CM4 Tidal Natural Community Communities Restoration*). These activities would generally improve the movement of wildlife within and outside of the Plan Area. In addition, the preservation of restored lands (CM3) and the enhancement and management of these areas (CM11) would improve and maintain wildlife corridors within the study area.

Alternative 4 conveyance facilities would create local barriers to dispersal and create barriers to safe movement of avian species during periods of low visibility but overall the restoration activities would improve opportunities for wildlife dispersal within the study area and between areas outside of the study area and therefore overall Alternative 4 would result in less-than-significant impacts on wildlife corridors.

Invasive Plant Species

The invasive plant species that primarily affect each natural community in the study area, which include water hyacinth, perennial pepperweed, giant reed, and Brazilian waterweed, are discussed in Section 12.1.4. Invasive species compete with native species for resources and can alter natural communities by altering fire regimes, hydrology (e.g., sedimentation and erosion), light availability, nutrient cycling, and soil chemistry but also have the potential to harm human health and the economy by adversely affecting natural ecosystems, water delivery, flood protection systems, recreation, agricultural lands, and developed areas (Randall and Hoshovsky 2000). The construction and restoration activities covered under the BDCP could result in the introduction or spread of invasive plant species by creating temporary ground disturbance that provides opportunities for colonization by invasive plants in the study area.

The primary mechanisms for the introduction of invasive plants as the result of implementation of the BDCP are listed here.

- Grading, excavation, grubbing, and placement of fill material.
- Breaching, modification, or removal of existing levees and construction of new levees.
- Modification, demolition, and removal of existing infrastructure (e.g., buildings, roads, fences, electric transmission and gas lines, irrigation infrastructure).
- Maintenance of infrastructure.
- Removal of existing vegetation and planting/seeding of vegetation.
- Maintaining vegetation and vegetation structure (e.g., grazing, mowing, burning, trimming).
- Dredging waterways.

Clearing operations and the movement of vehicles, equipment, and construction materials in the study area would facilitate the introduction and spread of invasive plants by bringing in or moving seeds and other propagules. These effects would result from four activities.

- Spreading chipped vegetative material from clearing operations over topsoil after earthwork operations are complete.
- Importing, distributing, storing, or disposing of fill, reusable tunnel material, borrow, spoil, or dredge material.
- Traffic from construction vehicles (e.g., water and cement trucks) and personal vehicles of construction staff.
- Transport of construction materials and equipment within the study area and to/from the study area.

Table 12-4-70 lists the acreages of temporary disturbance in each natural community in the study area that would result from implementation of Alternative 4.

Table 12-4-70. Summary of Temporary Disturbance in Natural Communities under Alternative 4

Natural Community	Temporary Impacts (acres)
Tidal perennial aquatic	2,114~~6~~
Tidal brackish emergent wetland	0
Tidal freshwater emergent wetland	16~~1~~
Valley foothill riparian	154~~2~~
Grassland	424~~31~~
Inland dune scrub	0
Alkali seasonal wetland complex	0~~3~~
Vernal pool complex	3~~16~~
Other natural seasonal wetland	0
Nontidal freshwater perennial emergent wetland	7~~6~~
Nontidal perennial aquatic	38~~4~~
Managed wetlands	73~~2~~
Cultivated lands	2,896~~753~~
Total	**5,649~~594~~**

Impact BIO-186: Adverse Effects on Natural Communities Resulting from the Introduction and Spread of Invasive Plant Species

Under Alternative 4, the BDCP would have adverse effects on natural communities as a result of the introduction and spread of invasive plant species through implementation of CM1–CM10 and ~~CM22~~ ~~(~~AMM6~~)~~. No adverse effects are expected from implementation of CM11–CM21.

- *CM1 Water Facilities and Operations*: Construction of the Alternative 4 water conveyance facilities would result in the temporary disturbance of 3,531~~752~~ acres that would provide opportunities for colonization by invasive plant species.
- *CM2 Yolo Bypass Fisheries Enhancements*: Construction of the Yolo Bypass fisheries enhancements would result in the temporary disturbance of 758 acres that would provide opportunities for colonization by invasive plant species. Vegetation maintenance activities for the Fremont Weir and Yolo Bypass improvements may include the removal of giant reed; however, the clearing of linear areas to facilitate water flow may also result in increased opportunities for invasion. Sediment removal, transportation, and application as a source material for restoration or levee projects as part of Fremont Weir and Yolo Bypass maintenance activities could also result in the spread of invasives if the sediment contains viable invasive plant propagules.
- *CM3 Natural Communities Protection and Restoration*: The restoration activities in the natural communities located in the eleven CZs would result in the temporary disturbance of restoration areas that would provide opportunities for colonization by invasive plant species.
- *CM4 Tidal Natural Communities Restoration*: The activities associated with the restoration of tidal perennial aquatic, tidal mudflat, tidal freshwater emergent wetland, and tidal brackish emergent wetland in ROAs would result in the temporary disturbance of tidal areas that would provide opportunities for colonization by invasive plant species. These adverse effects would be reduced by designing restoration projects to minimize the establishment of nonnative

submerged aquatic vegetation, and early restoration projects would be monitored to assess the response of nonnative species to restoration designs and local environmental conditions. If indicated by monitoring results, the BDCP Implementation Office would implement invasive plant control measures in restored natural communities to help ensure the establishment of native marsh plain plant species. Additionally, the BDCP Implementation Office would actively remove submerged and floating aquatic vegetation in subtidal portions of tidal natural community restoration sites.

- *CM5 Seasonally Inundated Floodplain Restoration*: Floodplain restoration levee construction would result in the temporary disturbance of 1,285 acres along channels in the north, east, and south Delta (San Joaquin, Old, and Middle Rivers) that would provide opportunities for colonization by invasive plant species.
- *CM6 Channel Margin Enhancement*: The temporary effects of channel margin enhancement were not estimated because specific locations for this activity and their areal extent have not been developed. Channel margin enhancement (Sacramento River between Freeport and Walnut Grove, San Joaquin River between Vernalis and Mossdale, Steamboat and Sutter Sloughs, and salmonid migration channels in the interior Delta) would result in the temporary disturbance of channel areas that would provide opportunities for colonization by invasive plant species.
- *CM7 Riparian Natural Community Restoration*: The restoration of valley/foothill riparian habitat would result in the temporary disturbance of riparian areas that would provide opportunities for colonization by invasive plant species.
- *CM8 Grassland Natural Community Restoration*: The restoration of grassland habitat in CZs 1, 8, and/or 11 would result in the temporary disturbance of degraded grassland or cultivated land that would provide opportunities for colonization by invasive plant species.
- *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*: The restoration of vernal pool and alkali seasonal wetland complexes in CZs 1, 8, or 11 would result in the temporary disturbance of grassland areas that would provide opportunities for colonization by invasive plant species.
- *CM10 Nontidal Marsh Restoration*: Nontidal marsh restoration, which would take place through conversion of agricultural lands in CZs 2 and 4, would result in the temporary disturbance of fallow agricultural areas that would provide opportunities for colonization by invasive plant species. These adverse effects would be reduced by monitoring the development of marsh vegetation to determine if nonnative vegetation needs to be controlled to facilitate the establishment of native marsh vegetation or if restoration success could be improved with supplemental plantings of native species. If indicated by monitoring, nonnative vegetation control measures and supplemental plantings would be implemented.
- ~~*CM22*~~ *Avoidance and Minimization Measures*: *AMM6 Spoils, Reusable Tunnel Material, and Dredged Material Disposal Plan* would have adverse effects if spoils, RTM, dredged material, or chipped vegetative materials containing viable invasive plant propagules are used as topsoil in uninfested areas.

The adverse effects that would result from the introduction and spread of invasive plants through colonization of temporarily disturbed areas would be minimized by implementation of CM11, AMM4, AMM10, and AMM11.

CM11 Natural Communities Enhancement and Management would reduce these adverse effects by implementing invasive plant control within the BDCP reserve system to reduce competition on native species, thereby improving conditions for covered species, ecosystem function, and native biodiversity. The invasive plant control efforts would target new infestations that are relatively easy to control or the most ecologically damaging nonnative plants for which effective suppression techniques are available. In aquatic and emergent wetland communities, Brazilian waterweed, perennial pepperweed, barbgrass, and rabbitsfoot grass would be controlled (and tidal mudflats would be maintained). In riparian areas, invasive plant control would focus on reducing or eliminating species such as Himalayan blackberry, giant reed, and perennial pepperweed. In grassland areas, techniques such as grazing and prescribed burning may be used to decrease the cover of invasive plant species.

Implementation of AMM4, AMM10, and AMM11 would also reduce the adverse effects that could result from construction activities. The AMMs provide methods to minimize ground disturbance, guidance for developing restoration and monitoring plans for temporary construction effects, and measures to minimize the introduction and spread of invasive plants. AMM4 would involve the preparation and implementation of an erosion and sediment control plan that would control erosion and sedimentation and restore soils and vegetation in affected areas. The restoration and monitoring plans for implementation of AMM10 would involve methods for stockpiling, storing, and restoring topsoil, revegetating disturbed areas, monitoring and maintenance schedules, adaptive management strategies, reporting requirements, and success criteria. AMM10 would also include planting native species appropriate for the natural community being restored, with the exception of some borrow sites in cultivated lands that would be restored as grasslands.

AMM11 specifies that the BDCP Implementation Office would retain a qualified botanist or weed scientist prior to clearing operations to determine if affected areas contain invasive plants. If areas to be cleared do contain invasive plants, then chipped vegetation material from those areas would not be used for erosion control but would be disposed ~~of~~ to minimize the spread of invasive plant propagules (e.g., burning, composting). During construction of the water conveyance facilities and construction activities associated with the other CMs, construction vehicles and construction machinery would be cleaned prior to entering construction sites that are in or adjacent natural communities other than cultivated lands and prior to entering any BDCP restoration sites or conservation lands other than cultivated lands. Vehicles working in or travelling off paved roads through areas with infestations of invasive plant species would be cleaned before travelling to other parts of the Plan Area. Cleaning stations would be established at the perimeter of BDCP covered activities along construction routes as well as at the entrance to reserve system lands. Biological monitoring would include locating and mapping locations of invasive plant species within the construction areas during the construction phase and the restoration phase. Infestations of invasive plant species would be targeted for control or eradication as part of the restoration and revegetation of temporarily disturbed construction areas.

NEPA Effects: The implementation of AMM4, AMM10, and AMM11, and CM11 would reduce the potential for the introduction and spread of invasive plants and avoid or minimize the potential effects on natural communities and special-status species; therefore, these effects would not be adverse.

CEQA Conclusion: Under Alternative 4, impacts on natural communities from the introduction or spread of invasive plants as a result of implementing the BDCP would not result in the long-term degradation of a sensitive natural community. With implementation of AMM4, AMM10, AMM11 and

CM11, the temporary disturbance of land associated with the alternative would be offset and would not result in~~ due to~~ substantial alteration of site conditions. T~~ and would, t~~herefore, the impact would be considered less than significant. No mitigation would be required.

Compatibility with Plans and Policies

Impact BIO-187: Compatibility of the Proposed Water Conveyance Facilities and Other Conservation Measures with Federal, State, or Local Laws, Plans, Policies, or Executive Orders Addressing Terrestrial Biological Resources in the Study Area

Constructing the water conveyance facilities (CM1) and implementing CM2–CM2~~2~~1 for Alternative 4 have the potential for being incompatible with plans and policies related to managing and protecting terrestrial biological resources of the study area. A number of laws, plans, policies, programs, and executive orders that are relevant to actions in the study area provide guidance for terrestrial biological resource issues as overviewed in Section 12.2, *Regulatory Setting*. This overview of plan and policy compatibility evaluates whether Alternative 4 would be compatible or incompatible with such enactments, rather than whether impacts would be adverse or not adverse, or significant or less than significant. If the incompatibility relates to an applicable plan, policy, or executive order adopted to avoid or mitigate terrestrial biological resource effects, then an incompatibility might be indicative of a related significant or adverse effect under CEQA and NEPA, respectively. Such physical effects of Alternative 4 on terrestrial biological resources are addressed in the impacts on natural communities and species. The following is a summary of compatibility evaluations related to terrestrial biological resources for laws, plans, policies, and executive orders relevant to the BDCP.

Federal and State Legislation

- The federal *Clean Water Act*, *Endangered Species Act*, *Fish and Wildlife Coordination Act*, *Migratory Bird Treaty Act*, *Rivers and Harbors Act* and *Marine Mammal Protection Act* all contain legal guidance that either directly or indirectly promotes or stipulates the protection and conservation of terrestrial biological resources in the process of undertaking activities that involve federal decisionmaking. The biological goals and objectives contained in the BDCP that provide the major guidance for implementing the various conservation elements of Alternative 4 are all designed to promote the long-term viability of the natural communities, special-status species, and common species that inhabit the Plan Area. While some of the conservation measures of the alternative involve permanent and temporary loss of natural communities and associated habitats during facilities construction and expansion of certain natural communities, the long-term guidance in the Plan would provide for the long-term viability and expansion of the habitats and special-status species populations in the Plan Area. Alternative 4 conservation actions would be compatible with the policies and directives for terrestrial biological resources contained in these federal laws.

- The *California Endangered Species Act*, *California Native Plant Protection Act*, *Porter-Cologne Water Quality Control Act*, and *Natural Communities Conservation Planning Act* are state laws that have relevance to the management and protection of terrestrial biological resources in the study area. Each of these laws promotes consideration of wildlife and native vegetation either through comprehensive planning or through regulation of activities that may have an adverse effect on the terrestrial and aquatic natural resources of the state. The BDCP, which is the basis for Alternative 4, contains biological goals and objectives that have been developed to promote the species protection and natural resource conservation that are directed by these state laws.

Alternative 4 conservation actions would be compatible with the policies and directives contained in these laws.

- The *Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992* (*Delta Protection Act*) and the *Sacramento-San Joaquin Delta Reform Act*, which updated the Delta Protection Act, promote the maintenance and protection of natural resources and the protection of agricultural land uses in the Delta's primary zone through the goals and policies contained in the 2009 updated Land Use and Resources Management Plan (LURMP). While nothing in the LURMP is binding on state agencies that are BDCP proponents, the LURMP does promote restoration and enhancement of habitats for the terrestrial and aquatic species of the Delta on public land. The BDCP biological goals and objectives would be compatible with these LURMP goals (Delta Protection Commission 2010).

- The *Suisun Marsh Preservation Act* of 1974 was designed to protect the Suisun Marsh for long-term use as wildlife habitat, with a goal of preserving and enhancing the quality and diversity of the Marsh's aquatic and wildlife habitats. The BDCP and its plans for protection and restoration of tidal marsh habitats in Suisun Marsh would be compatible with the intent of the Suisun Marsh Preservation Act.

Plans, Programs, and Policies

- *The Delta Plan*, which was developed by the Delta Stewardship Council in compliance with the 2009 Sacramento-San Joaquin Delta Reform Act, is mandated to achieve two co-equal goals: provide for a more reliable water supply for California and protect, restore, and enhance the Delta ecosystem. The co-equal goals are to 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. The BDCP is intended to become a component of the Delta Plan. The Delta Stewardship Council will determine whether the BDCP is compatible with the goals and objectives of the Delta Plan prior to its incorporation into the Plan. The compatibility of the BDCP with the Delta Plan is considered in detail in Chapter 13, Section 13.2.2.2, *The Delta Plan* ~~of Chapter 13~~, ~~*Land* Use~~of the Draft EIR/EIS.

- *California Wetlands Conservation Policy*, which was adopted by Executive Order in 1993, promotes a long-term gain in the quantity, quality and permanence of wetlands acreages and values in California. The BDCP conservation measures that provide for a significant expansion of wetland acreage and quality in the Delta and Suisun Marsh are compatible with the intent of the California Wetlands Conservation Policy.

- *The North American Waterfowl Management Plan* (*NAWMP*) and *Central Valley Joint Venture* (*CVJV*) strive to maintain and expand wetlands and uplands for waterfowl and shorebirds in the major basins of California's Central Valley. The NAWMP is a management plan jointly approved by the United States and Canada in 1986. It contains general guidance from the principal wildlife management agencies of the two countries for sustaining abundant waterfowl populations by conserving landscapes through self-directed partnerships (joint ventures) that are guided by sound science. The CVJV is the joint venture established for overseeing NAWMP implementation in the Central Valley. The CVJV is made up of 21 conservation organizations, state and federal government agencies, and one corporation that have formed a partnership to improve the habitat conditions for breeding and nonbreeding waterfowl, breeding and nonbreeding shorebirds, waterbirds, and riparian-dependent songbirds in the Central Valley. The CVJV's 2006 Implementation Plan (Central Valley Joint Venture 2006) establishes conservation objectives and priorities for these bird groups within the basins of the Central Valley. The BDCP Plan Area includes all or portions of three Implementation Plan basins— the Delta, Yolo and Suisun basins. The 2006 Implementation Plan contains basin-specific objectives for wetland restoration, protection of existing wetland habitats, wetland enhancement, adequate power and water supplies for wetland management, agricultural land enhancement, farmland easements that maintain waterfowl food resources on agricultural land, and farmland easements that buffer existing wetlands from urban and residential growth.

Implementation of the Alternative 4 conservation measures would result in significant reductions in cultivated land and managed wetland acreage in the Delta, Yolo and Suisun basins; however, significant increases in tidal and nontidal wetlands in these basins would be another result. Because of the large conversion of managed wetland in the Suisun basin, the BDCP has included a large managed wetland conservation and enhancement goal for this area. For the Suisun basin conversions to be compatible with the 2006 Implementation Plan goals, this EIR/EIS has added mitigation that would require food production studies and adaptive management to ensure that the Suisun basin would continue to provide the waterfowl and shorebird habitat envisioned in the Implementation Plan.

- *Stone Lakes National Wildlife Refuge Comprehensive Conservation Plan*, *Cosumnes River Preserve Management Plan*, *Brannan Island and Franks Tract State Recreation Areas General Plan*, *Yolo Bypass Wildlife Area Land Management Plan*, *Grizzly Island Wildlife Area Management Plan*, and the *Lower Sherman Island Wildlife Area Land Management Plan* are primarily designed to preserve and enhance the natural resource and recreation qualities of these areas. Implementing Alternative 4, especially construction of CM1 and CM2 facilities, and land modification associated with CM4 restoration activities, could create temporary disruptions to the terrestrial biological resource management activities in these management areas. The ultimate goals of aquatic and terrestrial habitat enhancement and restoration contained in the BDCP would be compatible with the long-term management goals of these areas. Proposed restoration areas in the Yolo Bypass, on Sherman Island, and in Suisun Marsh would be designed to be compatible with and to complement the current management direction for these areas and would be required to adapt restoration proposals to meet current policy established for managing these areas.

- *Suisun Marsh Preservation Agreement* and *Suisun Marsh Plan* are the most recent efforts by the state and federal agencies responsible for Suisun Marsh (the Marsh) to maintain its long-term viability as managed wetlands and wildlife habitat, consistent with the Suisun Marsh Preservation Act. The Suisun Marsh Preservation Agreement (SMPA) was signed in 1987 and modified in 2005 by DWR, CDFW, Reclamation and the Suisun Resource Conservation District to establish the mitigation approach in the Marsh for effects of operating the SWP and CVP. The primary concerns were the effects of CVP and SWP Delta diversions on salinity in the Marsh. The SMPA focused on ways to ensure adequate water quality and quantity for the managed wetlands and wildlife habitats in the Marsh to assure equal waterfowl values in the Marsh. The Suisun Marsh Plan (SMP), for which a Final EIS/EIR was released in 2010 by these agencies, provides for restoration of tidal marsh habitat and enhancement of managed wetland in the Marsh, maintenance of waterfowl hunting and recreational opportunities in the Marsh, maintenance and improvement of the Marsh levee system, and protection and enhancement of water quality for beneficial uses of the Marsh. An integral component of the SMP is balancing continued managed wetland operation with new tidal wetland restoration to provide improved and greater habitat for fish and wildlife species. The SMP is a programmatic, long-term plan and does not include specific projects, project proponents, or funding mechanisms. However, the SMP relies on tidal restoration to allow for managed wetland operations to continue. The BDCP would provide a funding mechanism and increased management potential relative to existing and restored habitats, assisting the SMP in meeting its broader ecological goals, consistent with long-term operation of the SWP and CVP water conveyance facilities. The conservation actions contained in the BDCP, which are designed to ensure the long-term protection and recovery of special-status fish and wildlife species dependent on the Marsh, would be compatible with the water quality and habitat restoration goals of the SMPA and SMP.

- *California Aquatic Invasive Species Management Plan* does not address terrestrial invasive species. Implementation of the Plan's long-term control and management objectives affect terrestrial species that utilize study area aquatic habitats. These effects are positive in that Plan objectives are to control and remove invasive aquatic species that are detrimental to native aquatic and terrestrial species. Implementation of BDCP's conservation actions would be undertaken with the goal of avoiding any further spread of aquatic invasive species. Alternative 4 would, therefore, be compatible with the objectives of the California Aquatic Invasive Species Management Plan.
- *Habitat Conservation Plans and Natural Community Conservation Plans* are the subject of a detailed analysis at the end of this chapter. The analysis considers the compatibility of the BDCP with all HCPs and NCCPs that share planning area with the BDCP Plan Area.

Executive Orders

- *Executive Order 11990: Protection of Wetlands* requires all federal agencies to consider wetland protection in their policies and actions. The BDCP proposes to protect, enhance and expand the wetlands of the Plan Area, and, therefore, would be compatible with Executive Order 11990.
- *Executive Order 13112: Invasive Species* directs federal agencies to prevent and control the introduction and spread of invasive species in a cost-effective and environmentally sound manner. Alternative 4 construction and restoration actions have the potential to both introduce and spread invasive species in the study area. Implementation of mitigation measures described in this chapter would be capable of making Alternative 4 implementation compatible with Executive Order 13112.
- *Executive Order 113443: Facilitation of Hunting Heritage and Wildlife Conservation* directs federal agencies whose activities affect public land management, outdoor recreation, and wildlife management to facilitate the expansion and enhancement of hunting opportunities, and the management of game species and their habitat. Alternative 4 conservation measures that involve conversion of cultivated land and managed wetland to tidal and nontidal wetlands and other natural communities would conflict with the hunting expansion and enhancement aspects of this executive order. Refer to Chapter 15, *Recreation*, of the Draft EIR/EIS for a detailed analysis of the effects of alternatives on hunting opportunities. The habitat protection and expansion conservation measures of Alternative 4 would be compatible with the executive order's goal of facilitating the management of habitats for some game species.

***NEPA Effects*: The potential plan and policy incompatibilities of implementing Alternative 4 identified in the analysis above indicate the potential for a physical consequence to the environment. The primary physical consequence of concern is the conversion of cultivated land and managed wetland to natural wetland and riparian habitat in the study area. The physical effects are discussed in the Shorebirds and Waterfowl analysis above, and no additional NEPA effects determination is required related to the compatibility of the alternative with relevant plans and polices. The reader is referred to Chapter 13, Section 13.2, *Regulatory Setting*, of the Draft EIR/EIS for a further discussion of the responsibilities of state and federal agencies to comply with local regulations, and a discussion of the relationship between plan and policy consistency and physical consequences to the environment.

CEQA Conclusion**:** The potential plan and policy incompatibilities of implementing Alternative 4 identified in the analysis above indicate the potential for a physical consequence to the environment. The primary physical consequence of concern is the conversion of large acreages of cultivated land and managed wetland to natural wetland and riparian habitat in the study area. The physical effects are discussed in the Shorebirds and Waterfowl analysis above, and no additional CEQA conclusion is required related to the compatibility of the alternative with relevant plans and polices. The reader is referred to Chapter 13, Section 13.2.3 ~~of Chapter 13~~, ~~*Land Use*~~*Local and Regional Plans, Policies, and Regulations*, of the Draft EIR/EIS for a further discussion of the responsibilities of state and federal agencies to comply with local regulations, and a discussion of the relationship between plan and policy consistency and physical consequences to the environment.

12.3.3.10 Alternative 5—Dual Conveyance with Pipeline/Tunnel and Intake 1 (3,000 cfs; Operational Scenario C)

Comparative Differences in CM1 Construction Effects for Alternatives 5 and 1A

With only one intake and pump station located in the north Delta, Alternative 5 would create significant differences in the permanent and temporary loss of natural communities and cultivated lands during water conveyance facilities construction when compared with alternatives having five intakes along the Sacramento River (Alternatives 1A, 1B, 1C, 2A, 2B, 2C, 6A, 6B, and 6C). The relative differences in direct loss of habitat between Alternative 5 and Alternative 1A are included in Table 12-5-1. All of these differences would occur during the near-term timeframe associated with water conveyance facilities construction along and just east of the Sacramento River between Clarksburg and Courtland. Alternative 5 would permanently remove 13 fewer acres of tidal perennial aquatic habitat in the Sacramento River, 12 fewer acres of valley/foothill riparian habitat along the eastern bank of the Sacramento River, 21 fewer acres of grassland along and behind the levees of the river, and 166 fewer acres of cultivated land immediately east of the river (Table 12-5-1). Alternative 5 would also permanently affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~15~~ 14 acres fewer; see Table 12-5-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary impacts on jurisdictional waters and wetlands.

Alternative 5 also would result in significantly fewer temporary losses of natural communities, including reduced losses of tidal perennial aquatic (49 acres less), valley/foothill riparian (11 acres less), grassland (27 acres less), tidal freshwater emergent wetland (3 acres less), and cultivated lands (461 acres less) when compared with Alternative 1A (Table 12-5-1). Alternative 5 would temporarily affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (57 acres fewer; see Table 12-5-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

Effects of Restoration-Related Conservation Actions of Alternative 5

***NEPA Effects*:** Alternative 5 would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid adverse effects. Alternative 5 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

CEQA Conclusion: Alternative 5 would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid significant impacts. Alternative 5 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

As with Alternative 1A, Alternative 5 would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 5 AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1A, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.14 Alternative 7—Dual Conveyance with Pipeline/Tunnel, Intakes 2, 3, and 5, and Enhanced Aquatic Conservation (9,000 cfs; Operational Scenario E)

Comparative Differences in CM1 Construction Effects for Alternatives 7 and 1A

Because of the elimination of Intakes 1 and 4 and their associated pumps and pipelines, Alternative 7 would create relatively small differences in the permanent and temporary loss of natural communities and cultivated lands during water conveyance facilities construction when compared with Alternative 1A (Table 12-7-1). All of these differences would occur during the near-term timeframe associated with water conveyance facilities construction. Alternative 7 would permanently remove 7 fewer acres of tidal perennial aquatic habitat in the Sacramento River, 10 fewer acres of valley/foothill riparian habitat along the eastern bank of the Sacramento River, and 5 fewer acres of grassland along the river levees. These reductions would occur as a result of not constructing Intakes 1 and 4 on the east bank of the Sacramento River. There would also be a reduction in loss of cultivated lands (95 fewer acres) east of the river near these intake sites. Alternative 7 would also permanently affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (7 acres fewer; see Table 12-7-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

Table 12-7-2 Alternative 7 Effects on Jurisdictional Wetlands and Waters Relative to Alternative 1A (acres)

	Alternative 7 Impacts on Jurisdictional Wetlands and Waters			
Wetland/Water Type	Permanent Impact	Difference from Alternative 1A	Temporary Impact	Difference from Alternative 1A
Agricultural Ditch	64.6	-0.3	21.9	-1.6
Alkaline Wetland	0.1	0	0	0
Clifton Court Forebay	1.0	0	0	0
Conveyance Channel	12.7	0	1.1	0
Depression	1.9	0	0.4	-1.3
Emergent Wetland	46.8	0	6.7	-0.6
Forest	5.6	-0.1	10.8	-1.1
Lake	0	0	0.3	0
Scrub-Shrub	20.3	-0.3	3.3	-1.0
Seasonal Wetland	18.7	0	26.6	0
Tidal Channel	36.9	-6.1	109.6	-24.2
Vernal Pool	0		0	0
Total	209	-6.8	181	-29.8

During the water conveyance facilities construction process, Alternative 7 would also involve less temporary loss of habitat when compared with Alternative 1A. The difference would be reflected in reduced losses of tidal perennial aquatic (25 acres less), valley/foothill riparian (3 acres less), grassland (7 acres less), and cultivated land (214 acres less) when compared with Alternative 1A (Table 12-7-1). Alternative 7 would also temporarily affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~29~~ 30 acres fewer; see Table 12-7-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

NEPA Effects: Alternative 7 would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid adverse effects. Alternative 7 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

CEQA Conclusion: Alternative 7 would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid significant impacts. Alternative 7 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

As with Alternative 1A, Alternative 7 would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 7 AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1A, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.15 Alternative 8—Dual Conveyance with Pipeline/Tunnel, Intakes 2, 3, and 5 and Increased Delta Outflow (9,000 cfs; Operational Scenario F)

Comparative Differences in CM1 Construction Effects for Alternatives 8 and 1A

Because of the elimination of Intakes 1 and 4 and their associated pumps and pipelines, Alternative 8 would create relatively small differences in the permanent and temporary loss of natural communities and cultivated land during water conveyance facilities construction when compared with Alternative 1A (Table 12-8-1). All of these differences would take place during the near-term timeframe associated with water conveyance facilities construction. Alternative 8 would permanently remove 7 fewer acres of tidal perennial aquatic habitat, 10 fewer acres of valley/foothill riparian habitat, and 5 fewer acres of grassland along the east bank of the Sacramento River. Alternative 8 would also remove 95 fewer acres of cultivated land east of the Sacramento River. Alternative 8 would also permanently affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (7 acres fewer; see Table 12-8-2). Refer to Table 12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

During the water conveyance facilities construction process, Alternative 8 would involve less temporary loss of habitat when compared with Alternative 1A. There would be reduced losses of tidal perennial aquatic (25 acres less), tidal freshwater emergent wetland (1 acre less), valley/foothill riparian (3 acres less), grassland (7 acres less) and cultivated land (214 acres less) when compared with Alternative 1A (Table 12-8-1). Alternative 8 would also temporarily affect a smaller acreage of ~~potential~~ jurisdictional waters (including wetlands) as regulated by Section 404 of the CWA, when compared to Alternative 1A (~~29~~ 30 acres fewer, see Table 12-8-2). Refer to Table

12-1A-69 for a summary of Alternative 1A permanent and temporary jurisdictional waters and wetlands impacts.

Table 12-8-2 Alternative 8 Effects on Jurisdictional Wetlands and Waters Relative to Alternative 1A (acres)

	Alternative 8 Impacts on Jurisdictional Wetlands and Waters			
Wetland/Water Type	Permanent Impact	Difference from Alternative 1A	Temporary Impact	Difference from Alternative 1A
Agricultural Ditch	64.6	-0.3	21.9	-1.6
Alkaline Wetland	0.1	0	0	0
Clifton Court Forebay	1.0	0	0	0
Conveyance Channel	12.7	0	1.1	0
Depression	1.9	0	0.4	-1.3
Emergent Wetland	46.8	0	6.7	-0.6
Forest	5.6	-0.1	10.8	-1.1
Lake	0	0	0.3	0
Scrub-Shrub	20.3	-0.3	3.3	-1.0
Seasonal Wetland	18.7	0	26.6	0
Tidal Channel	36.9	-6.1	109.6	-24.2
Vernal Pool	0		0	0
Total	209	-6.8	181	-29.8

NEPA Effects: Alternative 8 would not have adverse effects on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the United States,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered and noncovered species. Where conservation actions would not fully offset effects, the Plan has developed AMMs and this document has included additional mitigation measures to avoid adverse effects. Alternative 8 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

CEQA Conclusion: Alternative 8 would not have significant and unavoidable impacts on the terrestrial natural communities, special-status species and common species that occupy the study area. The alternative also would not disrupt wildlife movement corridors, significantly increase the risk of introducing invasive species, ~~result in a net loss of wetlands and other waters of the US,~~ reduce the value of habitat for waterfowl and shorebirds, or conflict with plans and policies that affect the study area. As with Alternative 1A, there would be large acreages of existing habitat converted by the Plan's conservation actions, including the construction of water conveyance tunnels from the north Delta to Clifton Court Forebay in the south Delta. The temporarily affected habitat would be restored to its pre-project condition and the restoration conservation measures (CM2–CM10) would permanently replace primarily cultivated land and managed wetland with tidal and nontidal marsh, riparian vegetation, and grassland. The increases in acreage and value of the sensitive natural communities in the study area would have beneficial effects on covered, noncovered, and common species. Where conservation actions would not fully offset impacts, the Plan has developed AMMs and this document has included additional mitigation measures to avoid significant impacts. Alternative 8 would not require mitigation measures beyond what is proposed for Alternative 1A to offset effects.

As with Alternative 1A, Alternative 8 would require several mitigation measures to be adopted to reduce all effects on terrestrial biological resources to less-than-significant levels. These mitigation measures would be needed beyond the impact offsets provided by Alternative 8 AMMs and CM2–~~CM22~~ CM21 conservation actions. The relevant mitigation measures, which are included in detail in the analysis of Alternative 1A, are as follows:

- Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

12.3.3.16 Alternative 9—Through Delta/Separate Corridors (15,000 cfs; Operational Scenario G)

General Terrestrial Biology Effects

Wetlands and Other Waters of the United States

Alternative 9 actions would both permanently and temporarily remove or convert wetlands and open water that ~~is potentially jurisdictional as~~are regulated by USACE under Section 404 of the CWA. The 404 regulations and relevant information on mitigation the effects of impact to wetlands and waters of the United States (U.S.) are described in Section 12.2.1.1 in Appendix A, Draft EIR/EIS In-Text Chapter Revisions, of this RDEIR/SDEIS. The following two impacts address the project-level effects of CM1 on these potential wetlands and waters, and the programmatic-level effects of other relevant conservation actions (CM2–CM10). ~~Conservation Measures~~ CM11–~~22~~ CM21 would not directly result in loss or conversion of wetlands or other waters of the ~~United States~~U.S. The methods used to conduct these analyses are described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS. The waters of the U.S. data used for this analysis is based on a verified wetland delineation from the USACE that was completed in early 2015. These waters of the U.S. were mapped at finer scale than that which was done for the natural community mapping for the BDCP and therefor the acreages of these two datasets differ when compared to each other. The waters of the U.S. mapping identified numerous agricultural ditches and seasonal wetlands occurring within and associated with cultivated lands, which explains the majority of the difference.~~of this chapter.~~

Impact BIO-176: Effects of Constructing Water Conveyance Facilities (CM1) on Wetlands and Other Waters of the United States

Alternative 9 proposes the construction, maintenance, and operation of water conveyance facilities within, or requiring the unavoidable fill of, waters of the U.S. The estimated fill of jurisdictional waters associated with this alternative is described in Table 12-9-69 below.~~Construction of the Alternative 9 water conveyance facilities would both temporarily and permanently remove potential wetlands and other waters of the United States as regulated by Section 404 of the CWA (Table 12-9-69).~~ Based on the methodology used to conduct this analysis, these effects would occur at channel dredging sites, canal construction sites, operable barrier construction sites and channel widening sites throughout the study area, and at multiple temporary work areas associated with the construction activity. The permanent and temporary wetland effects ~~(1,565 acres)~~ would occur primarily in open tidally-influenced channels of the central and south Delta, including Middle River, Victoria Canal and Old River from channel dredging and canal construction. Construction of various operable barriers in major rivers, canals and sloughs throughout the central and south Delta would also contribute to the large acreage affected by water conveyance construction. Most of the construction and dredging activities would not permanently remove the waterways, but would permanently modify the channel bottoms and eliminate any associated aquatic vegetation. An additional effect on waters of the ~~United States~~U.S. is the dredging of 517 acres of tidal flow in Middle River and Victoria and North Canals.

Table 12-9-69. Estimated Fill of Waters of the U.S. Associated with the Construction of Water Conveyance Facilities under Alternative 9 (acres)~~Potential Wetlands and Other Waters of the United States Filled by Construction of Alternative 9 Water Conveyance Facilities~~

Wetland/Water Type	Permanent Impact	Temporary Impacts Treated as Permanent[1]	Temporary Impact[2]	Total Impact
Agricultural Ditch	36.4	8.0	1.0	45.3
Alkaline Wetland	0	0	0	0
Clifton Court Forebay	13.2	0	0	13.2
Conveyance Channel	0.4	0	0	0.4
Depression	4.9	0.1	0	4.9
Emergent Wetland	54.1	9.0	165.0	64.0
Forest	23.5	14.0	60.0	38.0
Lake	0	0	0	0
Scrub-Shrub	5.2	4.0	42.0	9.0
Seasonal Wetland	91.6	28.6		120.2
Tidal Channel	687.0	24.0	401.0	712.0
Vernal Pool	0	0	0	0
Total	916	88	669	1,674

~~Wetland/Other Water Type[a]~~	~~Permanent~~	~~Temporary~~	~~Total~~
~~**Open Water**~~			
~~Nontidal Flow~~	~~41~~	~~10~~	~~51~~
~~Muted Tidal Flow~~	~~0~~	~~0~~	~~0~~
~~Tidal Flow[b]~~	~~670~~	~~362~~	~~1,032~~
~~Pond or Lake (nontidal)~~	~~5~~	~~<1~~	~~5~~
~~Clifton Court Forebay~~	~~13~~	~~0~~	~~13~~
~~**Wetland**~~			
~~Nontidal Wetland~~	~~17~~	~~21~~	~~38~~
~~Tidal Wetland~~	~~74~~	~~332~~	~~406~~
~~Seasonal Wetland~~	~~12~~	~~8~~	~~20~~
~~**Total Impact Acres**~~	~~**832**~~	~~**733**~~	~~**1,565**~~

~~[a] Wetland types are described in Section 12.3.2.4, *Methods Used to Assess Wetlands and Other Waters of the United States.*~~

~~[b] Alternative 9 also includes channel dredging impacts on 517 acres of tidal flow in Middle River and Victoria and North Canals~~

~~Source: California Department of Water Resources 2013b~~

[1] Temporary impacts treated as permanent are temporary impacts expected to last over one year. These impact sites will eventually be restored to pre-project conditions; however, due to the duration of effect, compensatory mitigation will be included for these areas.

[2] Temporary impacts are due to dredging Delta channels.

The majority of the impacts on wetlands and waters of U.S. are on tidal channels, emergent wetlands, and on wetlands and waters found within cultivated lands (agricultural ditches and seasonal wetlands). These impacts mostly result from dredging work, spoils areas, and canal construction. The impacted seasonal wetlands mapped within the Conveyance Planning Area, as described in Section 12.3.2.4 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS, all occur in the central Delta within plowed agricultural fields.

Unavoidable impacts on waters of the United States would be offset such that the loss of acreage and functions due to construction activities are fully compensated. Wetland functions are defined as a process or series of processes that take place within a wetland. These include the storage of water, transformation of nutrients, growth of living matter, and diversity of wetland plants, and they have value for the wetland itself, for surrounding ecosystems, and for people. Functions can be grouped broadly as habitat, hydrologic/hydraulic, or water quality. Not all wetlands perform all functions nor do they perform all functions equally well. The location and size of a wetland may determine what functions it will perform. For example, the geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine its hydrologic/hydraulic or water-quality functions. Many factors determine how well a wetland will perform these functions: climatic conditions, quantity and quality of water entering the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem. Wetland disturbances may be the result of natural conditions, such as an extended drought, or human activities, such as land clearing, dredging, or the introduction of nonnative species. Wetlands are among the most productive habitats in the world, providing food, water, and shelter for fish, shellfish, birds, and mammals, and serving as a breeding ground and nursery for numerous species. Many endangered plant and animal species are dependent on wetland habitats for their survival. Hydrologic and hydraulic functions are those related to the quantity of water that enters, is stored in, or leaves a wetland. These functions include such factors as the reduction of flow velocity, the role of wetlands as ground-water recharge or discharge areas, and the influence of wetlands on atmospheric processes. Water-quality functions include the trapping of sediment, pollution control, and the biochemical processes that take place as water enters, is stored in, or leaves a wetland.

The functions of the waters of the U.S. that will be temporarily or permanently impacted by this alternative vary greatly depending primarily on existing land uses and historical levels of disturbance. Generally, agricultural ditches and conveyance channels, which are regularly maintained and often devoid of vegetation, support only minimal hydraulic function (water conveyance), with virtually no water quality or habitat function. With respect to Clifton Court Forebay, the facility is regularly maintained, but supports some hydrologic, hydraulic, and water quality functions (e.g. reduction of velocity, groundwater recharge, and trapping of sediment). Tidal channels affected by this alternative support functions in all three categories, but the level at which these functions perform vary depending on setting, size, and level of disturbance. The alkaline wetlands and vernal pools exist in non-native grasslands and have been subjected to some disturbance due to past land uses. Although these features likely support habitat, water quality, and hydrologic/hydraulic functions, the capacity of these features to perform such functions vary depending on the overall ecological setting and level of disturbance. Functions associated with emergent wetland, forest, and scrub-shrub, depend primarily on the location of these habitat types. Where they exist as in-stream (in-channel islands) or as the thick band of habitat adjacent to a waterway, these features are expected to function at a high level. However, where these habitats exist as thin bands, or where they are situated in agricultural fields, their habitat functions will be considerably lower. All of the wetlands classified as seasonal wetlands occur in agricultural fields. As such, their habitat functions have been greatly compromised, but they retain some water quality and hydrologic/hydraulic function. Like seasonal wetlands, most depressions occur within agricultural areas; however the depressions may support wetland vegetation at their edges. The areas mapped as lake are the dredged borrow ponds created during the construction of Interstate 5. Although relatively small, each lake is likely performing functions from all three categories.

A functional assessment of wetlands proposed for fill will be conducted during the development of the Conceptual Mitigation Plan as part of the Clean Water Act permitting process. The results of this assessment will be compared to the expected functions at the proposed mitigation site(s) such that it can be confirmed that the compensatory mitigation will in fact accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functional compensatory wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands will be significantly less than high function, the compensatory mitigation will result in a net increase in wetland function.

Alternative 9 was designed to avoid waters of the U.S. to the maximum extent practicable. Each of the conveyance components has been located in upland areas where it was feasible to do so. Once construction begins, specific measures will be implemented, as described in the AMMs set out in Appendix 3.C, *Avoidance and Minimization Measures*, of the Draft BDCP and in Appendix D, *Substantive BDCP Revisions*, of this RDEIR/SDEIS (AMM6), to further avoid and minimize effects to waters of the U.S. as well as to special-status species. The AMMs will be implemented at all phases of a project, from siting through design, construction, and on to operations and maintenance. The AMMs that pertain specifically to waters of the U.S. are AMM1 *Worker Awareness Training*, AMM2 *Construction Best Management Practices and Monitoring*, AMM3 *Stormwater Pollution Prevention Plan*, AMM4 *Erosion and Sediment Control Plan*, AMM5 *Spill Prevention, Containment, and Countermeasure Plan*, AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material, AMM7 *Barge Operations Plan*, AMM10 *Restoration of Temporarily Affected Natural Communities*, AMM12 *Vernal Pool Crustaceans*, AMM30 *Transmission Line Design and Alignment Guidelines*, AMM34 *Construction Site Security*, and AMM36 *Notification of Activities in Waterways*.

The implementation of measures to avoid and minimize impacts on habitat for aquatic species and species which utilize aquatic habitats, such as California tiger salamander, giant garter snake, California red legged frog, western pond turtle, riparian woodrat, and riparian brush rabbit, will also result in further avoidance and minimization of effects to waters of the United States.

Aside from wetland habitats that would be created as a result of implementing CMs 4-10, some of which could serve the dual purpose of offsetting effects to species and mitigating impacts on waters of the U.S., more specific mitigation is required to ensure that there is no net loss of wetland functions and values as a result of implementing Alternative 9 pursuant to USACE's and U.S. EPA's Mitigation Rule (see Section 12.2.1.1 in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions* of this RDEIR/SDEIS). Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.* would be available to address adverse impacts on waters of the U.S.

NEPA Effects: The permanent and temporary loss of these ~~potential~~ jurisdictional wetlands and waters as a result of constructing Alternative 9 water conveyance facilities would be a substantial effect if not compensated by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands as defined by Section 404 of the CWA. ~~However, A~~A~~lternative 9 includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water in the study area. Through the course of the BDCP~~

~~restoration program, this alternative would restore 65,000 acres of tidal and 1,200 acres of nontidal wetland or open water. Impacts to wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction~~. Alternative 9 will implement AMMs 1–7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of wetlands and waters and any indirect effects to wetlands and waters. However, specific mitigation would be required to ensure that Alternative 9 does not result in a loss of functions and values of waters of the U.S. and thus that the affect is not adverse. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce these effects such that they are not adverse.~~These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 9 (1,569 acres). Therefore, there would be an overall beneficial effect on potential jurisdictional wetlands and other waters of the United States from Alternative 9 implementation.~~

CEQA Conclusion: The permanent and temporary loss of these jurisdictional wetlands and waters of the U.S. as a result of constructing Alternative 9 water conveyance facilities would be a significant impact. Specific mitigation would be required to ensure that Alternative 9 does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level. Additionally, Alternative 9 does propose to restore up to 76,721 acres of wetland natural communities under the Plan, which would include 65,000 acres of tidal marsh restoration (CM4), 10,000 acres of seasonally inundated floodplain restoration (CM5), 21 acres of vernal pool/alkali seasonal wetlands (CM9; 67 acres of vernal pool complex and 72 acres of alkali seasonal wetland complex assuming a wetland density of 15%), and 1,700 acres of nontidal marsh restoration (CM10). In addition, Alternative 9 would restore 5,000 acres of riparian habitat (CM7), some portion of which may also qualify as forested or scrub-shrub wetland. In addition, 20 miles of levees will have channel margin enhancement conducted on them (CM6), which would include improving channel geometry and restoring riparian, marsh, and mudflat habitats on the water side of levees. Impacts on wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 20,065 acres of this wetland restoration would occur during this time period.

The success in implementing these Conservation Measures would be assured through effectiveness monitoring, which includes success criteria, and adaptive management as outlined in the *Adaptive Management and Monitoring* sections of the Draft BDCP for tidal marsh restoration (Draft BDCP Section 3.4.4.4), seasonal floodplain restoration (Draft BDCP Section 3.4.5.4), channel margin enhancement (Draft BDCP Section 3.4.6.4), valley/foothill riparian restoration (Draft BDCP Section 3.4.7.4), vernal pool and alkali seasonal wetland complex restoration (Draft BDCP Section 3.4.9.4), and nontidal marsh restoration (Draft BDCP Section 3.4.10.3). All restored areas will be secured in fee-title or through conservation easements.

Alternative 9 would also result in the protection and management of the following natural communities that contain wetlands: 750 acres of valley/foothill riparian, 600 acres of vernal pool complex, 150 acres of alkali seasonal wetland complex, 8,100 acres of managed wetlands, and 50 acres of nontidal marsh. In addition, 8,000 acres of grasslands and 51,625 acres of cultivated lands will be protected and managed, which would likely include areas of seasonal wetlands, ponds, and agricultural ditches.

The Plan under Alternative 9 would also implement AMMs 1-7, 10, 12, 30, 34, and 36, which would avoid and minimize fill of waters of the U.S. and any indirect effects to wetlands and waters. As stated above, specific mitigation would be required to ensure that Alternative 9 does not result in a loss of functions and values of waters of the U.S. Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be available to reduce the impact to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of constructing Alternative 9 water conveyance facilities would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent either temporary or permanent removal of federally protected wetlands or other waters of the United States as defined by Section 404 of the CWA. However, Alternative 9 includes conservation measures (CM4 and CM10) that would restore and protect large acreages of both tidal and nontidal wetlands and open water. Through the course of the BDCP restoration program, this alternative would result in restoration of 65,000 acres of tidal and 1,200 acres of nontidal wetlands and open water. Impacts to wetlands from CM1 construction would occur in the first 10 years after BDCP approval. Approximately 19,550 acres of this wetland restoration would occur during this time period, thereby offsetting the impacts of CM1 construction. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 9 (1,565 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other waters of the United States resulting from Alternative 9 implementation.~~

Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S.

All mitigation proposed as compensatory mitigation would be subject to specific success criteria, success monitoring, long-term preservation, and long-term maintenance and monitoring pursuant to the requirements of the Mitigation Rule. All compensatory mitigation shall fully replace lost function through the mechanisms discussed below which will result in restoration and/or creation of habitat with at least as much function and value as those of the impacted habitat. In some cases, the mitigation habitat will afford significantly higher function and value than that of impacted habitat.

Compensation ratios are driven by type, condition, and location of replacement habitat as compared to type, condition and location of impacted habitat. Compensatory mitigation usually includes restoration, creation, or rehabilitation of aquatic habitat. The USACE does not typically accept preservation as the only form of mitigation; use of preservation as mitigation typically requires a very high ratio of replacement to impact. It is anticipated that ratios will be a minimum of 1:1, depending on the factors listed above.

Compensatory mitigation will consist of restoration, creation, and/or rehabilitation of aquatic habitat. Typically, impacted habitat will be replaced in-kind, although impacts on some habitat types such as agricultural ditches, conveyance channels, and Clifton Court Forebay, will be mitigated out-of-kind with higher functioning habitat types such as riparian wetland, marsh, and/or seasonal wetland. Compensatory mitigation shall be accomplished by one, or a combination of the following methods:

- Purchase credits for restored/created/rehabilitated habitat at an approved wetland mitigation bank;
- On-site (adjacent to the project footprint) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- On-site (adjacent to the project footprint) creation of aquatic habitat;

- Off-site (within the Delta) restoration or rehabilitation of wetlands converted to uplands due to past land use activities (such as agriculture) or functionally degraded by such activities;
- Off-site (within the Delta) creation of aquatic habitat; and/or
- Payment into the Corps' Fee-in-Lieu program.

Purchase of Credits or Payment into Fee-in-Lieu Program

It is envisioned that purchase of bank credits and/or payment into a fee-in-lieu program will be utilized for habitat types that would be difficult to restore or create within the Delta. Examples are vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types, and alkali seasonal wetland, which requires a specific set of chemical soil parameters. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-Site Restoration, Rehabilitation and/or Creation

Much of the Delta consists of degraded or converted habitat that is more or less functioning as upland. Opportunities will be sought where on-site restoration, rehabilitation, and/or creation could occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-Site Restoration, Rehabilitation and/or Creation

There exists, within the immediate vicinity of the project area, Delta land which has been subject to agricultural practices or other land uses which have degraded or even converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

Compensatory mitigation will result in no net loss of acreage of Waters of the U.S. and will accomplish full functional replacement of impacted wetlands. All impacted wetlands will be replaced with fully functioning wetland habitat demonstrating high levels of habitat, water quality, and hydrologic/hydraulic function. Since many impacted wetlands are likely to function at significantly less than high levels, the compensatory mitigation will result in a significant net increase in wetland function.

Impact BIO-177: Effects of Implementing Other Conservation Measures (CM2–CM10) on Wetlands and Other Waters of the United States

The habitat protection and restoration activities associated with Alternative 9's other conservation measures (CM2–CM10) would alter the acreages and functions and values of wetlands and Waters of the ~~United States~~ U.S. in the study area during the course of BDCP conservation action implementation. Because these conservation measures have not been defined to the level of site-specific footprints, it is not possible to delineate and quantify these effects in detail. Several of the conservation measures (CM2, CM4, and CM5) have been described with theoretical footprints for purposes of the effects analysis contained in BDCP Chapter 5~~,~~, *Effects Analysis*, of the Draft BDCP.~~*Effects Analysis*~~.

Because the wetland delineation was only conducted within the Conveyance Planning Area and not the remainder of the Plan Area, the effects on potential wetlands and waters of the United States from CM2-CM10 were analyzed by looking at effects on wetland natural communities mapped within the theoretical footprints for CM2, CM4, and CM5 by assuming that 100% of the predominantly wetland natural communities listed in Appendix 12E found in Appendix A, *Draft EIR/EIS In-Text Chapter Revisions*, of this RDEIR/SDEIS and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other waters of the United States under the CWA. Based on this approach approximately 19,850 acres of potentially jurisdictional wetlands and waters could be affected by CM2-CM10. The majority of these impacts are attributable to the conversion of 13,746 acres of managed wetland to tidal marsh under CM4, which would likely result in an improvement of wetland function in the Plan Area.

~~These theoretical footprints have been used to predict the acres of natural communities that would be affected through loss or conversion, which gives some indication of jurisdictional wetland effects. Any CM2–CM10 effects ascribed to tidal perennial aquatic, tidal brackish emergent, tidal freshwater emergent, other natural seasonal, nontidal freshwater perennial emergent, and nontidal perennial aquatic wetlands natural communities are likely to also be effects on wetlands and other Waters of the US. Effects ascribed to other natural communities and land cover types with small jurisdictional wetland components (valley/foothill riparian, alkali seasonal wetland complex, vernal pool complex, managed wetland, grassland and cultivated land) are not easily converted to effects on wetlands and other Waters of the US by the use of theoretical footprints. Because of this lack of detail, a programmatic assessment is provided for these other conservation measures.~~

NEPA Effects: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 9 would be ~~i~~ approximately 19,850 acres~~n the range of 5,500 to 6,000 acres, assuming that 100% of the predominantly wetland natural communities listed in Table 12-9-69 and that 10% of all of the non-wetland natural communities listed in that table would qualify as wetlands or other Waters of the US under the CWA~~. Most of these wetlands would be converted to tidal ~~and nontidal~~ wetlands and open water through implementation of CM4~~, and CM10~~. Although the increase in wetland acreage and wetland functions from these restoration actions could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that these effects are not adverse.~~The wetlands and open water created by these two restoration actions would be approximately 66,200 acres, far exceeding what is required under the no net loss policy used by the USACE in considering Section 404 permits, even if one were to assume that all conversions represented a functional wetland loss. Therefore, there would be a beneficial effect on potential jurisdictional wetlands and other Waters of the US from implementing CM2–CM10.~~

CEQA Conclusion: The conversion of existing wetland natural communities to other types of wetland natural communities through implementation of CM2–CM10 for Alternative 9 would be approximately 19,850 acres. Most of these wetlands would be converted to tidal wetlands and open water through implementation of CM4. In total, up to 76,721 acres of wetland natural communities would be restored under Alternative 9. Although the increase in wetland acreage and wetland functions from these restoration could in part offset the effects on waters of the U.S. occurring in these areas, implementation of Mitigation Measure BIO-176, *Compensatory Mitigation for Fill of Waters of the U.S.*, would be required to ensure that the impacts are reduced to a less-than-significant level.

~~The permanent and temporary loss of potential jurisdictional wetlands as a result of implementing the other conservation measures (CM2–CM10) of Alternative 9 would be a substantial effect if not compensated for by wetland protection and/or restoration. This loss would represent a removal of federally protected wetlands or other Waters of the US as defined by Section 404 of the CWA. However, Alternative 9 includes conservation measures (CM4 and CM10) that would restore large acreages of both tidal and nontidal wetlands and open water in the study area. Over the life of the BDCP restoration program, this alternative would result in restoration of 66,200 acres of tidal and nontidal wetlands and open water, of which 19,550 acres would be restored in the first 10 years. These acreages greatly exceed the no net loss (1:1 replacement ratio) requirement for Alternative 9 (5,500–6,000 acres). Therefore, there would be a beneficial impact on potential jurisdictional wetlands and other Waters of the US from implementing CM2–CM10 under Alternative 9.~~

12.3.3.19 Impacts Applicable Across Multiple Alternatives

The following impacts and conclusions are applicable across alternatives 1A, 1B, 1C, 2A, 2B, 2C, 3, 4, 5, 6A, 6B, 6C, 7, 8, and 9. The Draft EIR/EIS did not include NEPA determinations for Impacts BIO-69 *Loss or Conversion of Habitat for and Direct Mortality of Greater Sandhill Crane* and BIO-70 *Effects on Greater Sandhill Crane Associated with Electrical Transmission Facilities* for all alternatives and so brief summary analyses for those alternatives and the NEPA determinations are presented below. The original CEQA conclusions for these impacts that appear in the Draft EIR/EIS have not changed.

The data supporting the analysis of Impact BIO-176 *Effects on Wetlands and Other Waters of the United States* has been updated for all alternatives and therefore a brief summary discussion of these effects and updated NEPA and CEQA conclusions are provided.

The analyses for these impacts for Alternative 4 are presented above in this Appendix and can be found in Section 4.3.8 in this RDEIR/SDEIS for Alternative 4A. These impacts are also generally discussed in Sections 4.4.8 and 4.4.9 for Alternatives 2D and 5A, respectively.

Impact BIO-69: Loss or Conversion of Habitat for and Direct Mortality of Greater Sandhill Crane

The study area supports approximately 23,919 acres of roosting and foraging habitat and 164,676 acres of foraging habitat for greater sandhill crane. Alternatives 1A through 9 would result in the permanent loss of and temporary effects on between 0 and 823 acres of roosting and foraging habitat (up to less than 3% of the total habitat in the study area) and between 3,716 and 12,021 acres of foraging habitat (up to 7% of the total habitat in the study area) for the greater sandhill crane during the term of the Plan. However, the implementation of *AMM20 Greater Sandhill Crane* would require that no roost sites would be directly affected by water conveyance facilities including transmission lines and associated footprints. In addition, temporarily removed habitat would be restored within 1 year following construction. However, it would not necessarily be restored to its original topography and it could result in the conversion of cultivated lands to grasslands.

The Plan includes conservation commitments through *CM3 Natural Communities Protection and Restoration* and *CM10 Nontidal Marsh Restoration* to restore or create at least 595 acres of greater Sandhill crane roost habitat (Objectives GSHC1.3, GSHC1.4, and GSHC1.5) and to protect at least 7,300 acres of high- to very high-value foraging habitat for greater sandhill crane (Objective GSHC1.1).

Of the 500 acres of managed wetlands to be created for roosting habitat, 320 acres would be created in minimum patch sizes of 40 acres within the Greater Sandhill Crane Winter Use Area in CZs 3, 4, 5, or 6 (Objective GSHC1.3). Restoration sites would be identified with consideration of sea level rise and local seasonal flood events. These wetlands would be created within 2 miles of existing permanent roost sites and protected in association with other protected natural community types at a ratio of 2:1 upland to wetland habitat to provide buffers that will protect cranes from the types of disturbances that would otherwise result from adjacent roads and developed areas (e.g., roads, noise, visual disturbance, lighting). The remaining 180 acres of crane roosting habitat would be constructed within the Stone Lakes NWR project boundary (BDCP Chapter 3, Figure 3.3-6) and would be designed to provide connectivity between the Stone Lakes and Cosumnes greater sandhill crane populations (Objective GSHC1.4). These wetlands would consist of two 90-acre wetland complexes each consisting of at least three wetlands and would be no more than 2 miles apart. The large patch sizes of these wetland complexes would provide additional conservation to address the threats of vineyard conversion, urbanization to the east, and sea level rise to the west of greater sandhill crane wintering habitat. Approximately 95 acres of roosting habitat would be created within 2 miles of existing permanent roost sites (Objective GSHC1.5). These roosts would consist of active cornfields that are flooded following harvest to support roosting cranes and also provide the highest-value foraging habitat for the species. Individual fields would be at least 40 acres could shift locations throughout the Greater Sandhill Crane Winter Use Area, but would be sited with consideration of the location of roosting habitat loss and would be in place prior to roosting habitat loss.

The BDCP would protect 7,300 acres of high- to very high-value greater sandhill crane foraging habitat by the late long-term timeframe with at least 80% maintained in very-high value types in any given year (Objective GSHC1.1). These acres of protected foraging habitat would be located within 2 miles of known roosting sites in CZs 3, 4, 5, and/or 6 and would consider sea level rise and local seasonal flood events, greater Sandhill crane population levels, and the location of foraging habitat loss. The patch size of these protected lands would be at least 160 acres (Objectives GSHC1.1 and GSHC1.2). Because agricultural habitat values change over time based largely on economically driven agricultural practices, protecting crane habitat would provide enhanced stability to agricultural habitat value within the crane use area that does not currently exist. Alternatives that impact more than 7,300 acres of foraging habitat (1A- 1C, 2A-2C, 6A-6C) have associated mitigation measures which require compensation at a ratio of 1:1 (protection:impacted) for loss of foraging habitat.

All alternatives also include commitments to implement *AMM1 Worker Awareness Training*, *AMM2 Construction Best Management Practices and Monitoring, AMM3 Stormwater Pollution Prevention Plan*, *AMM4 Erosion and Sediment Control Plan*, *AMM5 Spill Prevention, Containment, and Countermeasure Plan*, *AMM6 Disposal and Reuse of Spoils, Reusable Tunnel Material, and Dredged Material*, and *AMM7 Barge Operations Plan.* All of these AMMs include elements that would avoid or minimize the risk of affecting individuals and species habitats adjacent to work areas. The AMMs are described in detail in Appendix 3.C, *Avoidance and Minimization Measures,* in the Draft BDCP and in Appendix D, Section D.3.3, of the RDEIR/SDEIS.

NEPA Effects**:** The loss of greater sandhill crane habitat would not be adverse under NEPA under Alternative 1A through Alternative 9 because the BDCP proponents have committed to avoiding and minimizing effects by avoiding greater sandhill crane roost sites, and by restoring and protecting the acreages of roosting and foraging habitat described above. This habitat protection, restoration, management, and enhancement would be guided by performance standards, and by AMM1-AMM7, AMM20, and AMM30 which would be in place throughout the period of construction. Considering these commitments, greater sandhill crane habitat losses and conversions under Alternatives 1A through Alternative 9 would not be an adverse effect.

Impact BIO-70: Effects on Greater Sandhill Crane Associated with Electrical Transmission Facilities

Greater sandhill cranes are susceptible to collision with power lines and other structures during periods of inclement weather and low visibility (Avian Power Line Interaction Committee 1994, Brown and Drewien 1995, Manville 2005). New transmission lines installed in the study area could increase the risk for bird-power line strikes, which could result in injury or mortality of greater sandhill cranes. Both permanent and temporary electrical transmission lines would be constructed to supply construction and operational power to Alternatives 1A-1C, 2A-2C, 3, 5, 6A-6C, 7, 9, and 9. The Alternative 4 facilities would require the installation of temporary transmission lines extending north and south along the water conveyance alignment. Temporary lines would be removed after construction of the water conveyance facilities, within 10-14 years.

The existing network of power lines in the study currently poses a risk for sandhill cranes, as both distribution and transmission lines cross over or surround sandhill crane roost sites in the study area. New transmission lines would temporarily increase this risk and have an adverse effect on the species in the absence of other conservation actions. Marking transmission lines with devices that make the lines more visible to birds has been shown to dramatically reduce the incidence of bird mortality, including for sandhill cranes. Yee (2008) estimated that marking devices in the Central Valley would reduce crane mortality by 60%. In addition, the current proposed transmission line alignments are not fully designed, and line locations are not final. The implementation of *AMM20 Greater Sandhill Crane* would require that the final transmission line alignment under any alternative would eliminate the potential for take of greater sandhill cranes in the Plan Area per Section 86 of the California Fish and Game code. This would be achieved by implementing any combination of the following: (1) siting new transmission lines in lower bird strike risk zones; (2) removing, relocating or undergrounding existing lines; (3) installing flight diverters on existing lines in the crane winter use area; and/or (4) for areas outside of the Stone Lakes National Wildlife Refuge project boundary, shifting locations of flooded areas that provide crane roosts to lower risk areas. This would be expected to reduce existing mortality and thus fully offset the overall population effects of new transmission lines. Designing the alignment to minimize risk and removing, relocating, or undergrounding existing lines would be given priority out of the above methods. In addition, undergrounding of all new permanent power lines would be comprehensively evaluated during the final power line design process. With these measures, and considering that the temporary lines would be removed within the first 10-14 years of project implementation (under any alternative), the potential for take of greater sandhill crane would be eliminated per Section 86 of the California Fish and Game code.

***NEPA Effects*:** The construction of new transmission lines would not result in an adverse effect on greater sandhill cranes because, implementation of AMM20 would eliminate the potential for take per Section 86 of the California Fish and Game code. With *AMM20 Greater Sandhill Crane*, and considering that the temporary lines would be removed within the first 10–14 years of project implementation, the potential for take of greater sandhill cranes would be eliminated.