



COUNTY OF YOLO

Board of Supervisors

District 1, **Oscar Villegas**
District 2, **Lucas Frerichs**
District 3, **Marie Vixie Sandy**
District 4, **Jim Provenza**
District 5, **Angel Barajas**

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

Interim County Administrator, **Dirk Brazil**
Sr. Deputy Clerk of the Board, **Julie Dachtler**

Yolo County Position Statement on Regional Water Supply, Flood Protection and Habitat Restoration Projects

**Adopted by the Yolo County Board of Supervisors
December 3, 2024**

Introduction

Yolo County has a proud and longstanding tradition of environmental stewardship, sustainable agriculture, and preservation of open space. Despite its location between two major urban regions, through the years, the Yolo County Board of Supervisors has made deliberate policy decisions to direct growth to incorporated cities, increase development density, and safeguard working landscapes. These policy decisions, which align with state policy objectives of sustainable development and climate adaptation, have (1) left the County with a narrow tax base and limited ability to generate discretionary general fund revenue to serve its 219,000 (estimated) residents,¹ and (2) increasingly resulted in the County being a focal point of state and federal planning efforts to implement water supply, flood protection, and habitat restoration projects.

Such planning efforts and related projects are the basis for this position statement. Yolo County recognizes the Delta ecosystem crisis together with climate change, increasing regulation, and urban development patterns are the catalyst for an array of projects and planning efforts impacting land in Yolo County. These projects and efforts depend on land within Yolo County because of its unique geography—many miles of Sacramento River frontage, proximity to the Sacramento-San Joaquin River Delta, and the Yolo Bypass—as well as the County’s tradition of preserving abundant, high value farmland while surrounding jurisdictions have rapidly urbanized, leaving few other areas suitable for large-scale infrastructure and habitat restoration projects.

Building on the vision expressed in the Yolo Bypass Cache Slough Partnership Memorandum of Understanding (MOU) (2016) included as **Attachment A**,² this position statement provides a roadmap for effective engagement with the County to maximize opportunities for successful implementation of water supply, flood protection, and habitat restoration projects proposed by state and federal agencies

¹ In addition to its narrow tax base, Yolo County receives the second lowest share of property tax in the state (8%, compared with 18% on average across all 58 counties) and was disproportionately affected by the AB 8 and Education Revenue Augmentation Fund I and II property tax shifts. Its general fund (\$104.6 million for 2024-25), in turn, is much lower per capita than many nearby counties such as Napa (\$325.9 million (est. pop. 132,000)) and Solano (\$402.4 million (est. pop. 449,500)).

² The Partnership MOU explains that “[t]he parties to this MOU envision a Region that serves as a model for public agency cooperation and achievement. To this end, this MOU memorializes the understanding of the Parties, interested local, state, and federal agencies, to partner to improve collaboration, synchronize efforts, and enhance outcomes of planning efforts related to flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development and recreation.”

within Yolo County. The Board of Supervisors strongly encourages public agencies considering such projects to carefully review this statement and engage with the County. Successful project implementation depends on a shared commitment to confront and resolve obstacles to the effective integration of new projects into the existing land use regime of the Yolo Bypass and other nearby areas. And while this statement does not directly apply to projects to be carried out by private entities or local agencies that are within the County's regulatory purview, proponents of such projects are also encouraged to review this statement prior to seeking County permits or approvals.

Application. This statement covers the following types of projects (and related mitigation) that are proposed for implementation in Yolo County for the primary benefit of other jurisdictions or regions:

- **Water Supply**—Projects that provide or sustain surface water deliveries to out-of-county recipients (e.g., the Delta Conveyance Project) and related mitigation occurring within the County.
- **Flood Protection**—Projects that enhance flood protection for other jurisdictions, enabling additional development or providing greater flood protection and public safety benefits to existing developed areas.
- **Habitat Restoration**—Specific projects (including mitigation) and broader, programmatic restoration efforts that seek to address the decline of native Delta fishes and promote economic activity on a regional or statewide scale, such as by reducing regulatory constraints on surface water deliveries (e.g., Healthy Rivers and Landscapes).

In the following sections of this policy statement, these three categories of projects and related mitigation are referred to generally as “covered projects.”

Perspective

The County acknowledges that projects promoting water supply reliability, enhanced flood protection, and habitat restoration help sustain state and regional economic prosperity. The County understands that its unique geographic location and decades of careful land use planning, as mentioned in the Introduction, attract project proponents to Yolo County. The County has long committed to partner with federal, state, and local agencies in connection with such projects, and it signed the Partnership MOU nearly a decade ago to embrace a shared commitment with 14 other signatory agencies to “collaborate to accommodate multiple objectives through the implementation of policies and projects that improve the variety of public values that the Region serves.”

Recent years have brought many significant projects to Yolo County, including but not limited to the Big Notch Project, Lower Elkhorn Basin Levee Setback Project, the widening of the Sacramento Weir, and Lower Yolo Ranch Tidal Restoration Project. These projects collectively affect over 30,000 acres, much of it actively farmed in high-value crops, resulting in about 5,000 acres of permanent farmland conversion and the impairment of agriculture, recreation, and other existing uses on an additional 25,000 acres. Many more projects are on the immediate horizon as part of several ongoing efforts such as Healthy Rivers and Landscapes, the Yolo Bypass Comprehensive Study, and the Yolo Bypass Cache Slough Master Plan. Projects included in these efforts could affect an additional 22,000 to 26,000 acres of active farmland, including the permanent conversion of nearly 8,000 acres of high-value crops to floodplain and other habitat types (see the graphic included as **Attachment B**).

The California Department of Water Resources (DWR) and other project proponents correctly assert that these projects benefit the Delta ecosystem, public safety, and economic prosperity across the region

and state. But within Yolo County, it is essential to recognize that these projects also impose unique burdens that, with limited exceptions, have received scant attention. Such burdens include the direct loss of farmland, a reduction in the agricultural viability of other farmland, related economic and social impacts, and impacts to recreational opportunities.

It is also essential to recognize another corollary: that the County and its communities alone bear the cost of these impacts, including through reduced tax revenues and a decline in other economic activity. While in some instances the County may also receive lasting economic or other benefits from project implementation, when this occurs the local benefits are often secondary and insubstantial in comparison to the benefits such projects provide the regional and statewide economy.³

The County's recognition of this paradigm is an essential basis for this position statement, along with its responsibility for ensuring that major projects implemented within its boundaries—even if carried out by the state—do not detrimentally affect the local economy, public safety, or the environment.

Priorities and Expectations

The County's position is that proponents of covered projects should—with some variation by project to account for unique situations—adhere to the following general principles in design, construction, and operation:

- (1) Commit to **transparency and engagement** with the County and general public regarding project design, planning, and implementation, openly making information available to County and stakeholders with a sincere interest in the flood protection, agriculture, habitat, and recreational attributes of the Yolo Bypass and other nearby lands.
- (2) Provide for and fund sufficient **County participation** in project planning, outreach, and environmental review (in some instances, including independent analysis of significant or controversial topics);⁴
- (3) **Preserve agriculture** by committing to rigorously evaluate and implement, to the greatest extent feasible, design and operational criteria that avoid farmland conversions and minimize the disruption of existing agricultural practices;
- (4) **Mitigate project-related impacts**, including farmland losses and any adverse impacts on nearby lands;
- (5) After implementation, **ensure responsible stewardship** by committing to project-specific monitoring and ongoing maintenance (including to avoid unanticipated impacts to nearby properties) and ensuring adequate funding for implementation of such measures over time;
- (6) To the greatest extent possible, **avoid converting privately-owned lands to public ownership** unless essential to enable public recreational use or provide other benefits to the general public;
- (7) Through direct payments, subventions, or otherwise, **offset any direct reduction in County tax revenues**; and

³ As DWR separately recognized in connection with the Delta Conveyance Project, these effects are sometimes an outcome of large infrastructure projects (among others) that benefit other regions but do not directly benefit (and may instead adversely impact) the communities in which project facilities are sited. In the context of that project, DWR proposed a community benefits program to “create lasting, tangible, and valuable economic and social benefits to the residents, businesses, and organizations experiencing localized Delta Conveyance Project construction effects that go beyond those that can be addressed through traditional environmental mitigation.” (Draft Community Benefits Framework, p. 3 (May 2022).)

⁴ Nothing in this policy statement is intended to imply that the County expects a proponent agency to delegate all or any of its discretionary authority to the County in the course of project planning, approval, or implementation.

- (8) Particularly for larger projects or programs that achieve or sustain significant economic benefits outside of Yolo County, **contribute towards projects or programs that support the local community** and fully address local economic and socioeconomic impacts that could, considering the County’s limited general fund, lead to service reductions or affect local residents and businesses.

These principles establish an overall framework to guide engagement between the County and the proponents of specific planning efforts and projects. Principles 1-5 are focused on responsible project planning and implementation. Consistent with the County’s approach to development and other changes in land use, these principles emphasize the protection of agriculture and related habitat and recreational values while also ensuring transparency and accountability. A substantial County role in project planning that aligns with these principles will “...improve collaboration, synchronize efforts, and enhance outcomes of planning efforts related to flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development, and recreation,” all as envisioned in the Partnership MOU.

The remaining principles focus on addressing the unique economic impacts of many covered projects (see Perspective, pp. 2-3). Principles 6-7 are straightforward and seek to minimize direct tax revenue losses arising from covered projects. Principle 8 proposes contributions towards specific projects or programs to address the full range of economic effects of project implementation—ranging from the loss of property tax revenues, where relevant, to other direct, indirect, and induced economic effects. The County recognizes that such partnerships and related programs are often associated with major surface water transfer agreements, hydropower facility relicensing actions, and major infrastructure projects such as the Delta Conveyance Project. However, the covered projects addressed in this statement present the same need, and the same opportunity, to address disproportionate impacts by redirecting a small share of the regional or statewide economic value realized by their implementation to address vital local needs. Partnering with the County to support local programs and services that address climate and agricultural sustainability, economic development, and recreation (among other possibilities) would help provide an array of community benefits while also furthering objectives set forth in the Partnership MOU, Senate Bill 369, and Section 209 of the Water Resources Development Act (WRDA) of 2020.⁵

Requested Actions

This position statement is intended to help project proponents understand the County’s policy perspective regarding projects that serve regional or statewide objectives and, in addition, to define the key principles inherent in a true collaboration for successful project implementation. Project proponents should engage with the County early in project development to identify the best strategies for collaboration in the context of a specific effort. The County expects that the principles set forth above will, through discussion, produce mutual assurances that can be set forth in a memorandum of understanding specific to each significant project or planning effort undertaken in Yolo County.

⁵ Senate Bill 369 (2022) added sections 8510-8512 to the California Water Code and, among other things, directs the state agency signatories to the Partnership MOU to “[d]evelop strategies to foster regional agricultural sustainability, recreational opportunities, and long-term water supply reliability.” Section 209 of WRDA 2020 requires the Army Corps to conduct a “comprehensive study” evaluating potential actions in and near the Yolo Bypass in consultation with the Partnership, local agencies, and other stakeholders.

ATTACHMENT A



Yolo Bypass & Cache Slough MOU

MEMORANDUM OF UNDERSTANDING

AMONG THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION, UNITED STATES FISH AND WILDLIFE SERVICE, UNITED STATES DEPARTMENT OF COMMERCE NATIONAL MARINE FISHERIES SERVICE, UNITED STATES ARMY CORPS OF ENGINEERS, THE CALIFORNIA NATURAL RESOURCES AGENCY, CALIFORNIA DEPARTMENT OF WATER RESOURCES, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, CENTRAL VALLEY FLOOD PROTECTION BOARD, STATE WATER RESOURCES CONTROL BOARD, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, COUNTY OF YOLO, COUNTY OF SOLANO, SACRAMENTO AREA FLOOD CONTROL AGENCY, SOLANO COUNTY WATER AGENCY, AND RECLAMATION DISTRICT NO. 2068

REGARDING COLLABORATION AND COOPERATION IN THE YOLO BYPASS AND CACHE SLOUGH REGION

Introduction

The Yolo Bypass and Cache Slough Region (Region) is the focus of several interagency planning efforts by multiple federal, state, and local governmental agencies aimed at improving flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development, and recreation. The numerous demands on and interests in the Region present an opportunity for governmental agencies at the local, state, and federal levels to collaborate to accommodate multiple objectives through the implementation of policies and projects that improve the variety of public values that the Region serves.

Purpose

This Memorandum of Understanding (MOU) serves as the vehicle to promote the discussion, prioritization, and resolution of policy and other issues critical to the success of the various planning efforts in the Region. The parties (Parties) to this MOU envision a Region that serves as a model for public agency cooperation and achievement. To this end, this MOU memorializes the understanding of the Parties, interested local, state, and federal agencies, to partner to improve collaboration, synchronize efforts, and enhance outcomes of planning efforts related to flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development, and recreation.

Parties

This MOU is entered into by the United States Department of the Interior Bureau of Reclamation, the United States Fish and Wildlife Service, the United States Department of Commerce National Marine Fisheries Service, the United States Army Corps of Engineers, the California Natural Resources Agency, the California Department of Water Resources, the California Department of Fish and Wildlife, the Central Valley Flood Protection Board, the State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, the County of Yolo, the County of Solano, Sacramento Area Flood Control Agency, Reclamation District No. 2068, and Solano County Water Agency (collectively referred to as "Parties" and individually as "Party").

Principles

The Parties recognize the following principles, which will guide collaborative efforts under this MOU:

- A. Successful planning understands and addresses the specific concerns of each Party and those that they represent, such as concerns related to potential species, regional economy, and water supply conflicts, among others.
- B. Public benefit projects will protect or improve the flood system resiliency of the Yolo Bypass, which is an authorized State and Federal flood management facility.
- C. Public benefits are inherent in the integration of flood management, habitat restoration, and economic sustainability efforts, and these public benefits should be maximized wherever appropriate.
- D. Each Party is committed to understanding the opportunities and constraints of one another's independent authorities and regulatory responsibilities, which will not be compromised through participation in the collaborative efforts described in this MOU.
- E. Local expertise and technical input is valuable and should be actively sought out through effective stakeholder outreach.

Term and Other Conditions

A. Non-binding Nature:

This MOU is legally nonbinding and in no way: (i) impairs any Party from continuing its own planning or project implementation; (ii) limits a Party from exercising its regulatory authority in any matter; (iii) infers that a Party's governing body or management will act in any particular manner on a project; or (iv) gives any of the Parties any authority over matters within the jurisdiction of any other Party. Nothing in this MOU creates any legal rights, obligations, benefits, or trust responsibilities, substantive or procedural, enforceable at law or in equity, by a Party against any other Party, a Party's officers, or any person.

B. Term:

This MOU will become effective upon signature of all Parties and shall remain in effect for ten years unless terminated by mutual agreement of the Parties. Upon the expiration of ten years, the MOU may be renewed or extended through written agreement of all Parties. A Party may withdraw from this MOU at any time by notifying all other Parties in writing.

C. Amendments:

Modifications or amendments to the terms of this MOU shall be in writing and executed by all Parties.

D. Relationship of Parties:

Execution of this MOU does not create a new legal entity with a separate existence from the individual Parties. This MOU does not create an "advisory committee" as that term is defined in the Federal Advisory Committee Act, as amended (Pub. L. 92-463). This MOU also does not result in the joint exercise of powers as set forth in California Government Code section 6500 et seq. This MOU neither expands nor is in derogation of those powers and authorities vested in the Parties, or any of them, by applicable laws, statutes, regulations, or Executive Orders, nor does it modify or supersede any other applicable interagency agreements existing as of the date of this MOU.

E. Funding and Availability of Funds:

Funding by any Party toward any interagency effort in the Region is subject to the requirements of any and all applicable laws, regulations, and procedures. Nothing in this MOU is intended or shall be construed to authorize or require the obligation, appropriation, reprogramming, or expenditure of any funds by any Party as permitted by applicable law. As required by the Anti-Deficiency Act, 31 U.S.C. 1341, 1342, and 1517, all commitments made by Federal signatories to this MOU are subject to the availability of appropriated funds and budget priorities. Any funding commitment or services, if pursued, will be handled in accordance with applicable laws, regulations, and procedures.

Signatures

United States Department of the Interior Bureau of Reclamation

By: Pablo R. Arroyave
Printed Name and Title: Pablo R. Arroyave Deputy Regional Director
Date: May 2, 2016

United States Department of Commerce National Marine Fisheries Service

By: Maria Rea
Printed Name and Title: Maria Rea for Will Stelle, Regional Administrator,
Date: 4/29/16 West Coast Region NUSA Fisheries

United States Army Corps of Engineers

By: Michael J. Farrell
Printed Name and Title: COL MICHAEL J. FARRELL
Date: 5/3/2016

United States Fish and Wildlife Service

Acting

By: *Dan Castleberry*
Printed Name and Title: Dan Castleberry
Date: 2 May 2016

The California Natural Resources Agency

By: *John Laird*
Printed Name and Title: John Laird, Secretary, CA Natural Resources Agency
Date: MAY 3, 2016

California Department of Water Resources

By: *Mack W. Cowin*
Printed Name and Title: Mack W. Cowin, Director, Dept of Water Resources
Date: May 6, 2016

California Department of Fish and Wildlife

By: *Cheriton H. Bonhan*
Printed Name and Title: Cheriton H. Bonhan
Date: May 2, 2016

Central Valley Flood Protection Board

By: *William H. Edgar*
Printed Name and Title: William H. Edgar, President CVFPB
Date: May 4, 2016

State Water Resources Control Board

By: *Thomas Howard*
Printed Name and Title: Thomas Howard
Date: May 6, 2016

Central Valley Regional Water Quality Control Board

By: *Pamela Creedon*
Printed Name and Title: Pamela Creedon, Executive Officer
Date: 5/4/16

County of Yolo

By: *J.P.*
Printed Name and Title: Jim Provenza, Chair
Date: May 4, 2016

County of Solano

By: *Bill Emlen*
Printed Name and Title: Bill Emlen
Date: 5/4/2016

Sacramento Area Flood Control Agency

By: *Richard M. Johnson*
Printed Name and Title: RICHARD JOHNSON, EXECUTIVE DIRECTOR
Date: 29 APRIL 2016

Solano County Water Agency

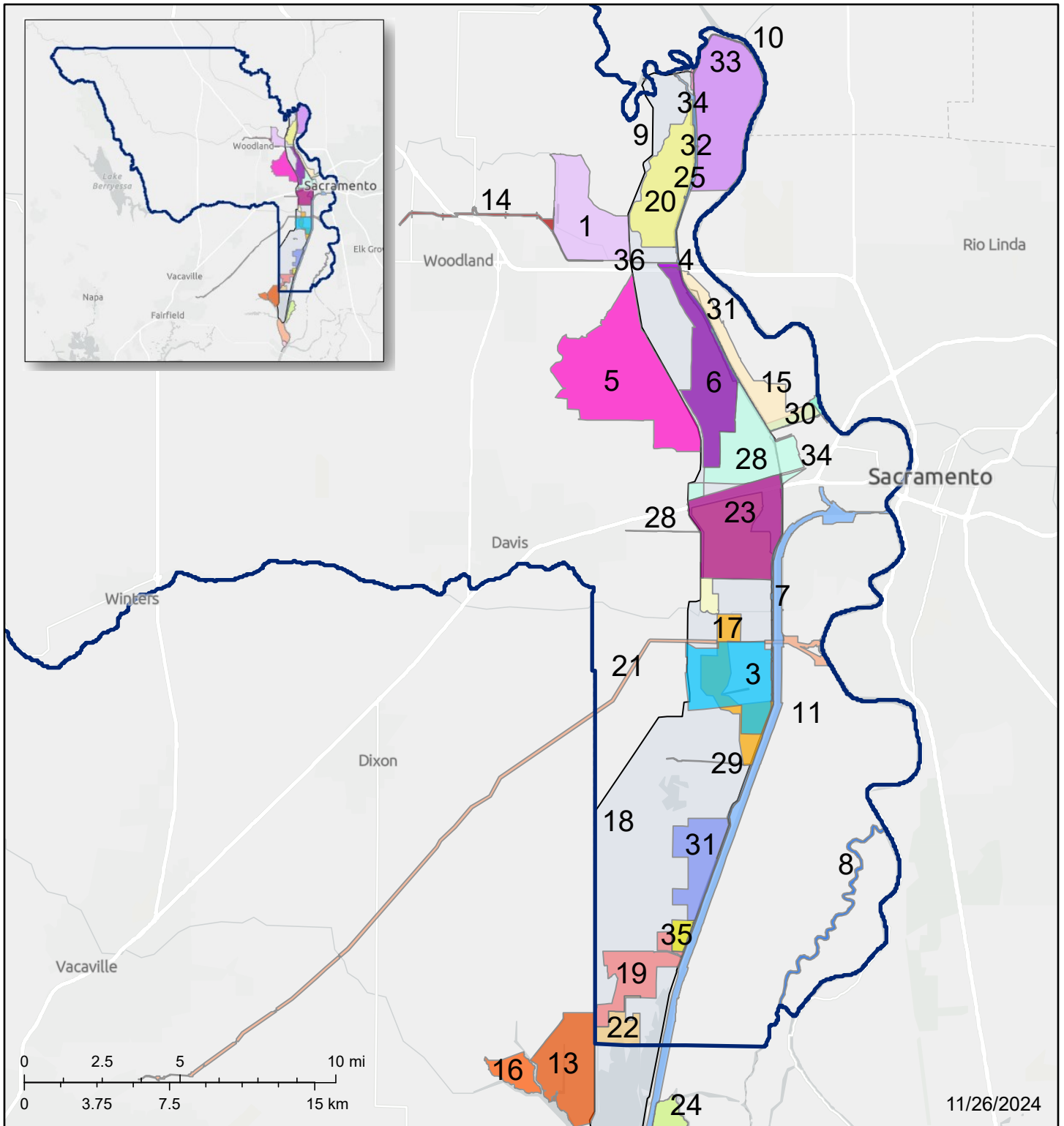
By: *Skip Thomson*
Printed Name and Title: SKIP THOMSON
Date: May 4, 2016

Reclamation District No. 2068

By: *T.M. Hardesty*
Printed Name and Title: T. M. Hardesty
Date: May 3, 2016

ATTACHMENT B

Regional Flood Protection, Habitat Restoration, and Water Supply Projects



11/26/2024

- | | | |
|---|--|---|
| Yolo County Boundary | 13 Lookout Slough Tidal Habitat Restoration | 26 Rio Vista Small Communities Flood Risk (not shown) |
| 1 Cache Creek Settling Basin Multibenefit Project | 14 Lower Cache Creek Feasibility Study Project | 27 South Davis Pump |
| 2 Cache Slough Mitigation Bank | 15 Lower Elkhorn Basin Levee Setback | 28 Swanston Ranch Master Plan |
| 3 Central YBWA Drainage Improvement Project | 16 Lower Peters Pocket Multibenefit Project | 29 Tule Ranch Canal and Pump Improvements |
| 4 Conaway Main Supply Canal Augmentation | 17 Lower Putah Creek Realignment Project | 30 Sacramento Bypass |
| 5 Conaway Ranch Levee Setback | 18 Lower West Side Levee Improvements | 31 Tide's End Multibenefit Restoration Project |
| 6 Conaway Ranch Salmonid Project | 19 Lower Yolo Ranch Restoration Project | 32 Tule Canal Corridor Ecosystem Enhancement |
| 7 Deep Water Ship Channel Improvements | 20 Nigiri - Knaggs Ranch | 33 Upper Elkhorn Basin Expansion |
| 8 Elk Slough Fish Passage and Flood Improvement | 21 North Bay Aqueduct Alternate Intake Project | 34 Yolo Bypass Salmonid Habitat Restoration |
| 9 Fremont Weir Adult Fish Passage Modification | 22 North Delta Fish Conservation Bank | 35 Yolo Flyway Farms |
| 10 Fremont Weir Expansion | 23 Northern YBWA Drainage Improvement Project | 36 Yolo Rail Realignment Project |
| 11 Lisbon Weir | 24 Prospect Island Tidal Habitat Restoration Project | |
| 12 Little Egbert Tract (not shown) | 25 RD 1600 Pump Station and Gravity Drain | |

County of Sacramento, Yolo County, California State Parks, Esri, TomTom, Garmin, SafeGraph, FAO, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, USFWS