



January 24, 2024

Joseph McGahan
Drainage Coordinator
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**Subject: Implementation of the Memorandum of Understanding Regarding the
Grassland Bypass Project – Restoration of Mud Slough North**

Dear Mr. McGahan:

This letter follows up on discussions between the California Department of Fish and Wildlife (CDFW) and the San Luis & Delta Mendota Water Authority (SL&DMWA) regarding implementation of the Memorandum of Understanding (MOU) between California Department of Fish and Game and San Luis and Delta Mendota Water Authority regarding the Grassland Bypass Project, executed March 4, 2010.

Section 1(D) of the MOU stated, SL&DMWA's agreement to "restore Mud Slough (North) to its condition as it existed prior to 1995 by December 31, 2010, due to activities related to use of Mud Slough (North) to convey agricultural drainage water."

In 2021, acting as lead agency pursuant to the California Environmental Quality Act, SL&DMWA prepared a Mitigated Negative Declaration regarding the Mud Slough Restoration Project, a proposed project that SL&DMWA developed that involved the construction of a new diversion structure in Mud Slough, designed as a reinforced concrete, broad-crested weir check with overshot spill structure, with a total construction footprint of 1.4 acres. The entire footprint of this new diversion structure would be on CDFW's China Island Wildlife Area. Additional activities included the removal of five abandoned water control structures within the China Island Wildlife Area.

CDFW had concerns with aspects of the Mud Slough Restoration Project as proposed, primarily the construction of a new concrete diversion structure to control flows to Newman Lake, with a 1.4-acre construction footprint on the wildlife area. Among other challenges, regulations governing use of CDFW lands prohibit third parties from constructing or building any type of structure on CDFW lands.

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As discussed in meetings on May 30, 2023 and August 15, 2023, this letter documents CDFW's understanding that SL&DMWA will not construct the Mud Slough Restoration Project as initially proposed and described in the 2021 Mitigated Negative Declaration. In close coordination with CDFW, SL&DMWA will remove the five abandoned water control structures within the China Island Wildlife Area. Since our meetings last spring and summer, current CDFW staff have further investigated the site changes that were made onsite in the mid-1990s to modify the hydrology and location of Mud Slough. It has become apparent that notwithstanding regulations governing wildlife areas, an earthen structure was installed within Mud Slough to block and redirect its flow away from Newman Lake, which may create an ongoing issue if left in place. Consequently, in coordination with SL&DMWA, CDFW would like to further explore potential approaches to redressing this issue and restoring Mud Slough natural hydrology, including flows to Newman Lake, with minimal site disturbance and ongoing maintenance needs, occurring within the earthen structure's existing footprint, and limiting CDFW's ongoing obligations and liabilities.

We look forward to continuing to discuss this issue. Should you have any questions please contact me by at Julie.Vance@wildlife.ca.gov or by phone at (559) 977-3084.

Sincerely,

DocuSigned by:



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