



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region/Region 2
1701 Nimbus Road
Rancho Cordova, CA 95670
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Jan 04 2022

STATE CLEARINGHOUSE

January 4, 2022

Meegan Nagy
PE, Deputy Manager
Knights Landing Ridge Drainage District
P.O. Box 50
Grimes, CA 95950
mnagy@rd108.org

Subject: KNIGHTS LANDING RIDGE CUT EROSION REPAIR PROJECT – IS/MND
SCH# 2021120109

Dear Ms. Nagy:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from the Knights Landing Ridge Drainage District (KLRDD) for the Knights Landing Ridge Cut Erosion Repair Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines. CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code., § 1802.) CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory

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authority. (Fish & G. Code, § 1600 et seq.) CDFW also administers the California Endangered Species Act, Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site consists of 295.6 acres along both banks of the 6.25-mile-long Knights Landing Ridge Cut (KLRC), which runs from the Colusa Basin Drainage Canal to the Yolo Bypass in Yolo County, California. The Project site includes the KLRC levees on the east and west banks of the KLRC, including the waterside levee slope to approximately 20 feet laterally within the water, levee crown, landside levee slope, and landside levee toe roads, as well as an approximately 2.5-acre triangular staging area east of the east levee toe access road approximately 0.7 miles north of the Yolo County Road 16 bridge crossing.

The proposed Project would include a phased series of levee erosion repairs to be conducted over the next 10 years. Erosion repair methods would include filling the eroded portion of the banks, installing quarry stone along the levee slope, and planting native grasses. In some areas, existing woody vegetation would be removed and replaced elsewhere, as allowed by specific site conditions.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources:

1. Wallace Weir Fish Salvage. CDFW is concerned that downstream effects from Project activities may impact fish salvage at Wallace Weir. CDFW conducts fish salvage operations at the Wallace Weir Fish Rescue Facility located a short distance downstream of the Project area, trapping anadromous fish that would otherwise be prevented from reaching their spawning grounds and releasing them into the Sacramento River. Trapping is generally conducted from late September to mid-June. In late summer and spring, water quality conditions in the ridge cut and toe drain of the Yolo Bypass can be stressful or even lethal for cold water adapted fish, so decreasing time spent in the ridge cut and in the toe drain of the Yolo Bypass can be important to maximize the success of fish salvage efforts at Wallace Weir.

Flows through the weir are necessary to sustain aquatic life downstream of the weir and are also important for attracting fish to the trap in the weir. If the proposed Project activities disrupt or reduce flows through the weir during the trapping season, it may affect water quality conditions at the weir and downstream in the toe drain, increasing stress on fish through the increased time spent in the system under potentially poor conditions. Furthermore, localized water quality impacts such as sediment plumes may cause stress, injury, or mortality of fish at the facility by lowering dissolved oxygen or damaging fish gills.

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To avoid these impacts, CDFW recommends that any Project activities with the potential to disrupt flows through Wallace Weir or significantly affect water quality at and below the weir be restricted to the time period between June 15 and September 15 or are conducted in close coordination with CDFW's Wallace Weir Fish Salvage program. To coordinate with CDFW's Wallace Weir Fish Salvage program, please contact Hideaki (Shig) Kubo, Environmental Scientist, at hideaki.kubo@wildlife.ca.gov or (916) 358-2900.

2. Nesting Birds. Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act.

Vegetation removal and ground-disturbing activities associated with the proposed Project have the potential to destroy or damage birds' nests. Noise, vibrations, and disturbance from the Project may also indirectly cause nest failure by causing birds to abandon nests before their young are able to survive without parental care. To avoid Project impacts on birds' nests, eggs, and young, CDFW recommends the KLRDD retain a qualified biologist to perform a pre-construction survey prior to starting Project activities. The biologist should be knowledgeable and experienced in the biology, natural history, and survey methodology for local bird species. Surveys should be conducted within a minimum ¼-mile of the Project Area for birds of prey and 500 feet for other bird species, where possible. If an active nest is found, the qualified biologist should establish a no-disturbance buffer around the nest. The width of the buffer should be determined by the biologist based on the species, level of disturbance expected from Project activities, environmental conditions such as the presence or absence of visual barriers and/or sound barriers between the Project Area and the nest, and any other relevant details. The buffer should be maintained until the biologist determines that the nest is no longer active.

Please note that Fish and Game Code protections for nesting and migratory birds apply regardless of the time of year, and a few bird species (e.g., Anna's hummingbird) may nest during the winter and fall months. If an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)).

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Accordingly, CDFW requests that KLRDD report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

Thank you for the opportunity to comment on the IS/MND to assist in identifying and mitigating Project impacts on biological resources. If you have questions or would like to discuss this letter, please contact Gabriele Quillman, Environmental Scientist at gabriele.quillman@wildlife.ca.gov or (916) 358-2955.

Sincerely,

DocuSigned by:

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Kevin Thomas
Regional Manager

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