



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 21, 2022

Alicia Forsythe  
Environmental Planning and Permitting Manager  
Sites Project Authority  
P.O. Box 517  
Maxwell, CA 95955  
[aforsythe@sitesproject.org](mailto:aforsythe@sitesproject.org)



Dear Ms. Forsythe:

Subject: **2023-2024 SITES RESERVOIR TEST PITS, FAULT STUDIES AND QUARRY STUDIES  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH# 2022090455**

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) along with the draft Initial Study (IS) from Sites Project Authority (Authority) for the 2023-2024 Sites Reservoir Test Pits, Fault Studies, and Quarry Studies Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

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.) Similarly for purposes of CEQA, 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.

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<sup>1</sup> 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.

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### **PROJECT DESCRIPTION SUMMARY**

The Project area is generally located within the areas in and near the Antelope Valley in Colusa and Glenn Counties where the dams, reservoirs, pipelines, and related facilities could be located for the proposed Sites Reservoir, along with areas near the town of Dunnigan in Yolo County where pipelines and related facilities could be located for the proposed Sites Reservoir.

The proposed Project includes conducting investigations by test pits and trench excavations to obtain information necessary to support the ongoing engineering evaluations and design development for the proposed Sites Reservoir and associated facilities. The Project includes three types of investigations – test pits, fault studies, and quarry studies.

Test pits would be used at proposed quarry sites to gather information regarding the quality and quantity of borrow materials proposed for dam and reservoir feature construction fill, and in other locations to gather information regarding pipeline trench stability. Each pit would have an approximate footprint of 18 feet by 18 feet and would be approximately 18 to 20 feet deep. Excavation would take approximately one day to complete at each location, and test pits would be backfilled with the excavated material on the same day.

Fault studies would be used to gather information regarding the location and stratigraphy in areas of suspected and known fault traces/zones and to further evaluate the areas for evidence of last movement. Each fault trench would be approximately 5 feet wide and range from 200 to 600 feet long and would vary from 10 to 15 feet deep. Fault studies would occur over a maximum 25-day period at each location. Trenches would be temporarily covered with plywood sheets at the end of each workday. Upon completion of trenching and mapping, trenches would be backfilled with excavated materials.

Quarry studies would be used to gather information regarding the quality and quantity of borrow materials proposed for dam and reservoir feature construction fill and to assess the means and methods needed to remove overburden and rock materials during construction. Each quarry study trench would be up to 20 feet wide and range from 300 to 1,500 feet long and would vary from 15 to 20 feet deep. Each quarry study trench would take up to 2 days to complete. Open portions of trenches would be backfilled at the end of each day with excavated materials.

### **COMMENTS AND RECOMMENDATIONS**

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

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**COMMENTS****Giant Garter Snake**

The IS/MND's evaluation of potential Project impacts on giant garter snake (*Thamnophis gigas*, GGS) states that the proposed investigations are not anticipated to be near or within 200 feet of suitable upland habitat for GGS, and that if suitable habitat is discovered near investigation sites during pre-activity surveys required by Mitigation Measure (MM) Gen-1, the investigation locations will be adjusted so that no work will occur within 200 feet of suitable upland habitat. It also states that in the event the investigations cannot be relocated, MM Gen-2 would be implemented, which would delay the investigations in question until a separate environmental analysis and permitting, as appropriate, could be prepared. However, MM Bio-6 contradicts this position by including avoidance practices to be implemented in the event that work does take place within suitable GGS upland habitat. CDFW recommends MM Bio-6 be revised to explicitly state that no work will be conducted within 200 feet of suitable GGS upland habitat.

Because GGS is listed as 'threatened' under CESA, "take"<sup>2</sup> is prohibited unless the Authority obtains take authorization (e.g., a CESA Incidental Take Permit) from CDFW. If investigations cannot be relocated to avoid GGS habitat, and activities are expected to result in take to GGS, CDFW recommends the Authority coordinate with CDFW to obtain take authorization prior to proceeding with those investigations.

**Test Pits East of Funks Reservoir**

The Project's Biological Resources Mapbook (page 7 of 9) depicts four proposed test pits (TRW-P-001, TRW-P-002, TRW-P-003, and TRW-P-004) located northwest of and adjacent to an existing canal. Based on aerial photography from Google Earth, CDFW is concerned that this canal may provide aquatic habitat for giant garter snake (*Thamnophis gigas*, GGS). CDFW recommends the Authority either (1) revise the IS/MND to include a habitat analysis of the canal demonstrating why it is not suitable aquatic habitat for GGS, or (2) require that TRW-P-001, TRW-P-002, TRW-P-003, and TRW-P-004 be sited at least 400 feet away from the canal in order to avoid potential impacts on GGS. If analysis shows that the project may result in "take" of GGS at these locations, CDFW recommends that an Incidental Take Permit is obtained prior to commencing construction activities at these locations.

**Covering Fault Trenches**

The Project proposes to cover open trenches associated with fault studies with plywood at the end of the workday. CDFW supports this practice as a way to prevent wildlife injuries and mortalities associated with falling into the trenches. CDFW recommends the Authority additionally require the edges of the plywood to be buried or tightly covered to prevent smaller wildlife from crawling under the plywood and becoming trapped in the trench, as small gaps between the surface of the ground and the plywood can resemble naturally occurring refugia and attract small animals.

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<sup>2</sup> Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

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**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)). Accordingly, please 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](mailto:CNDDDB@wildlife.ca.gov).

**FILING FEES**

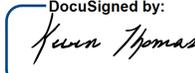
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 shall 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](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the IS/MND to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Gabriele Quillman, Environmental Scientist at (916) 358-2955 or [gabriele.quillman@wildlife.ca.gov](mailto:gabriele.quillman@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Kevin Thomas  
Regional Manager

ec: Juan Torres, Senior Environmental Scientist (Supervisor)  
Tanya Sheya, Environmental Program Manager  
Gabriele Quillman, Environmental Scientist  
*Department of Fish and Wildlife*

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Office of Planning and Research, State Clearinghouse, Sacramento