



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 21, 2025

Jeff Schuette
Senior Environmental Scientist, Supervisor
California Department of Water Resources
Flood Maintenance and Operations Branch
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Subject: CACHE CREEK CHANNEL AND LEVEE REHABILITATION PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2023080108

Dear Jeff Schuette:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the California Department of Water Resources (DWR) for the Cache Creek Channel and Levee Rehabilitation Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on August 28, 2023.

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.

¹ 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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CDFW may also act 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 authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in the Town and County of Yolo, two miles north of the City of Woodland. The proposed project includes an approximate 9-mile stretch of Cache Creek and its levees. The left (north) levee starts 0.05 miles east of County Road 96B and extends east to the Cache Creek Settling Basin entrance and the right (south) levee beginning 0.5 miles upstream of I-5 and extending east to become the west levee of the Settling Basin.

The Project consists of removing approximately 200,000 cubic yards of sediment from the Cache Creek channel and raising Cache Creek levees by up to 2.5 feet to ensure the original water conveyance design criteria of 3 feet of freeboard space at 30,000 cubic feet per second. Depths of sediment removal will range between 1-2 feet and 5-30 feet, depending on location within the creek. In some locations, levee raises will result in expanded levee prisms and levee base width to match a 2H:1V slope on the landside and 3H:1V slope on the waterside. Approximately 100,000 cubic yards of fill will be used to raise levees. Approximately 22.5 acres of Riparian vegetation removal will occur as a result of sediment removal activities. Levee toe roads and the Cache Creek channel will be used as Project access routes.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist DWR in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

CDFW is primarily concerned with the project impacts to riparian vegetation removal, mitigation for riparian vegetation removal, and impacts to nesting bird species.

RIPARIAN IMPACTS

COMMENT 1: Riparian Habitat Impacts; Section 3.5: Biological Resources; Impact 3.5.1c: Impacts on Riparian Habitat; page 3.5-42

Issue: Mitigation Measure 3.5.1c contains two bullet points which read:

- Compensate for Permanent Impacts to Riparian Habitats. Unavoidable impacts on riparian habitat shall be compensated at up to a 3:1 replacement ratio for each acre

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removed to ensure no net permanent loss of riparian habitat. Appropriate replacement ratios for the proposed project will be determined in consultation with CDFW and in accordance with a Lake and Streambed Alteration Agreement, pursuant to Section 1600 of the California Fish and Game Code, which will be obtained from CDFW prior to project construction.

- Prepare and Implement a Mitigation Plan. A mitigation plan shall be prepared, reviewed by appropriate agencies, and implemented addressing how the loss of riparian habitat that cannot be avoided will be compensated. The mitigation plan shall identify compensation ratios for acres lost and mitigation sites, if applicable. The plan will include using a riparian habitat mitigation bank, offsite mitigation, and/or may incorporate the requirements defined in the Yolo HCP/NCCP guidelines, including compensation through the use of the HCP through consultation with USFWS.

The DEIR analyzes approximately 22.5 acres of permanent impacts to Riparian Vegetation, almost exclusively as a result of sediment removal activities. Reported impact acreages include 9.1 acres of permanent impacts to Fremont Cottonwood Forest and Woodland habitat, 2.8 acres of permanent impacts to Hind's Walnut, 2.5 acres of permanent impact to Valley Oak Riparian Forest and Woodland Habitat, 1.2 acres of permanent impact to Goodding's Willow Riparian Woodland and Forest habitat, to detail a few. The area of Cache Creek is a significant wildlife corridor for many species, in large part due to the contiguous acreages of mature Riparian vegetation. The DEIR states that vegetation outside of areas slated for removal will be protected 'to the extent feasible.' Despite nearby Riparian vegetation remaining and being protected in place 'to the extent feasible', the significance of the impact of habitat clearing is not reduced by virtue of the abundance of similar or equivalent adjacent habitat to the Project site. Vegetation and clearing reduces available habitat for both non-listed wildlife and special-status species. Details are not provided in the Mitigation Measures following Riparian vegetation removal descriptions which show how impacts will be reduced to below a level of significance.

Recommendation or Recommended Mitigation Measure:

1. Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until sometime in the future. Though the numbering 3.5.1c suggests one mitigation measure, the first bullet point of MM 3.5.1c relies on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance. Because there is no guarantee that these approvals or cooperation with all the involved entities will ultimately occur, the mitigation measures are unenforceable and do not explain how the impacts to biological resources would be reduced to a less than significant level.
2. The second bullet point discusses future preparation of a Mitigation Plan but does not provide any detail on how the impacts will be mitigated. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of

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biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

3. The DEIR should include all potential mitigation options, including combinations, in the event that multiple types of mitigation will need to be implemented, and should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, success criteria, long-term monitoring and management programs, adaptive management, proposed land dedications, control of illegal dumping, water pollution, increased human intrusion, etc. Acreage of mitigation is based on a variety of factors, including but not limited to: type of vegetation removed, location, timing, and type of removal, presence of bird nests, temporal loss of habitat, type of mitigation (onsite, offsite, credits, etc.) and these factors may result in a mitigation ratio of greater than 3:1. The permanent removal of approximately 18 acres of vegetation may fracture the existing Cache Creek wildlife corridor and will substantially and permanently alter habitat, for up to 9.9 contiguous miles. CDFW recommends DWR incorporate the onsite planting of Fremont cottonwoods, Valley oaks, etc., as a means to return the impacted habitat back to its original state and planting vegetation that will provide the same habitat functions held previously.

4. Furthermore, if onsite habitat restoration is considered as a part of the mitigation strategy, CDFW recommends DWR consult with the Central Valley Flood Protection Board (CVFPB) for an Encroachment Permit to replant woody vegetation similar to that removed, within the Cache Creek Corridor. Title 23, Division 1, Chapter 1, Article 8, Section 131(b) allows the CVFPB to approve the planting of suitable woody vegetation within the floodway. This project will remove numerous Fremont cottonwoods, valley oak, and Goodding's black willow from the Cache Creek Corridor, all of which appear on the suitable planting list (see attachment A). In order for the impacted habitat to return to its former use by both listed and non-listed species, CDFW again recommends DWR include onsite planting of species which were removed as a result of the Project.

BIRD AND RAPTOR IMPACTS

COMMENT 2: Yellow-Billed Cuckoo Survey; Mitigation Measures 3.5.5a, Impact 3.5.5: Biological Resources; page 3.5-48

Issue: The DEIR states Western Yellow-Billed Cuckoo (*Coccyzus americanus occidentalis*; WYBC) is 'unlikely' to be present in the Project area and does not explicitly state surveys for the species will be conducted, however the Project area is described as potentially containing habitat consistent with that of WYBC (wooded riparian habitat with dense cover and water nearby; dense tickets along streams and marshes) and as mentioned in the DEIR, CNDDDB shows WYBC presence within 5 miles of the Project location. The Yolo HCP/NCCP provides coverage for WYBC and recognizes 'there have been recent

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migratory and breeding season occurrences, including several from the Cache Creek Settling Basin and Putah Creek Sinks” (Yolo Habitat Conservancy, 2018).

Recommendation or Recommended Mitigation Measure:

1. CDFW recommends conducting surveys for WYBC in accordance with *A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo*, 2016, written by Murrelet D. Halterman, Ph.D., concurrently with other nesting bird surveys.

COMMENT 3: Nesting Bird Surveys: Mitigation Measures 3.5.5a, 3.5.5b, WTKI-1 and WTKI-2, 3.5: Biological Resources Impact 3.5.5; Appendix C1: Biological Technical Report, page 53-54

Issue: Mitigation Measure 3.5.5a is split into two bullet points, the first of which states that nesting bird surveys will occur during the nesting bird season and will include a minimum 500-foot buffer area. The second bullet point states that vegetation removal will occur outside of nesting bird season, to the extent feasible, and that surveys will be conducted within one week of commencement of construction activities.

Recommendation or Recommended Mitigation Measure:

1. In addition to larger protocol-level surveys (e.g., Swainson’s hawk surveys, Western Yellow-billed Cuckoo surveys, Burrowing Owl surveys, etc.), CDFW recommends that a qualified biologist conduct a final preconstruction survey in the Project area and within a minimum 0.5-mile buffer (for raptors) and a minimum 500-foot buffer (for migratory birds) around the Project area, no more than 3 days prior to the commencement of vegetation clearing and ground disturbing activities during the nesting season (February 1-August 31). Surveys should be conducted during the appropriate time of day to maximize detectability.
2. Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including White-tailed Kite (*Elanus leucurus*), Bald Eagle (*Haliaeetus leucocephalus*), and Golden Eagle (*Aquila chrysaetos*). Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that DEIR include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

Please note, fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,

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- Efforts to recover a fully protected, endangered, or threatened species,
- Live capture and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

3. Please note the Migratory Bird Treaty Act of 1918 (MBTA) and Fish and Game Code § 3513 apply regardless of the time of year. Therefore, 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, until such a time as the young have fully fledged and are foraging independently of their parents.

COMMENT 4: Nesting Bird Surveys; Measure 3.5.5a, BIRD-1; 3.5: Biological Resources and 5.6.6: Northern Harrier, Tricolored Blackbird, Purple Martin, Song Sparrow, and Other Protected Birds; page 3.5-49 and page 54 of Appendix C: Biological Technical Report

Issue: Nesting bird survey measures appear inconsistent with regard to how many days prior to construction the surveys will take place.

- The final paragraph of Mitigation Measure 3.5.5a reads: “If no established survey protocol exists, the qualified biologist will complete surveys within 1 week of the start of the activity, or within 2 weeks of restart of the activity after the activity has lapsed. If no nesting birds are detected during pre-activity surveys, no additional mitigation measures are required.”
- “BIRD-1: A qualified biologist will conduct surveys of suitable nesting habitat that would be directly disturbed by project activities and suitable nesting habitat for northern harrier, tricolored blackbird, purple martin, song sparrow, and other more common bird species in accessible potential habitat within 500 feet of the study area. Surveys will be conducted within 10 days before project activities begin near suitable nesting habitat during the nesting season (February–August)”.

Recommendation or Recommended Mitigation Measure:

1. CDFW recommends adjusting the timing of bird nesting surveys in both measures to become consistent with each other and with the various species which will be surveyed.

COMMENT 5: Nesting Bird Buffers; Mitigation Measure 3.5.5b: Avoid and Minimize Impacts on Nesting Birds, page 3.5-49; Mitigation Measures BIRD-1 and BIRD-2, Biological Technical Report, page 54.

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Issue: Mitigation Measure 3.5.5b: Avoid and Minimize Impacts on Nesting Birds provides a list of recommended buffer distances for specific nesting birds:

- Swainson's hawk: 0.5 mile
- Common nesting raptors: 300 feet
- Tricolored blackbird: 300 feet (or 1,300 if the Yolo HCP/NCCP permitting process is used)
- Common nesting passerine: 100 feet
- Heron or egret rookeries: 200 feet

Recommendation or Recommended Mitigation Measure:

1. CDFW advises against using pre-set buffer zones for nesting birds. Instead, buffer distances should be determined by a qualified biologist on a case-by-case basis, considering factors like species, nesting stage, type of construction, and physical barriers. If active nests are found, buffers must be established by the qualified biologist before commencement of construction activities. Protection measures should be performance-based, as birds vary in their sensitivity to disturbances—some may tolerate activity within 250 feet, while others may not. To avoid potential "take" under the MBTA and Fish and Game Code, CDFW recommends adaptable protection strategies and on-site monitoring by a qualified biologist, who can adjust buffers as needed based on species behavior and nesting progression.

COMMENT 6: Swainson's Hawk Mitigation; Impact 3.5.6: Impacts on Swainson's Hawk, page 3.5-50 – 3.5-52

Issue: On page 3.5-50, the DEIR reads "Swainson's hawk nests have been frequently documented in the project study area and could be temporarily or permanently impacted by project activities directly...or indirectly." CNDDDB shows two SWHA nests along this Project's 9-mile stretch of Cache Creek. Mitigation Measure 3.5.6: Obtain Take Coverage for Impacts on Active Swainson's Hawks Nests: "If active nest trees are proposed to be removed and the project would result in take of Swainson's hawk in accordance with California Fish and Game Code Section 2081, an incidental take permit will be obtained from CDFW or the Yolo HCP/NCCP permitting process will be used before take occurs. DWR will be required to abide by all avoidance/minimization measures and limits of take determination in consultation with CDFW." The DEIR does not discuss possible mitigation paths that could occur if there are impacts to Swainson's hawk (SWHA) nests, nesting trees, or individuals.

Recommendation or Recommended Mitigation Measure:

1. CDFW recommends the DEIR discuss possible methods of mitigation for impacts to Swainson's hawk nesting trees (e.g., purchasing bank credits, conservation easement for on-site planting, off-site planting on existing easement land, etc.).

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2. As stated previously, deferring protective measures to future permits is considered deferred mitigation. Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until sometime in the future. Because there is no guarantee that these approvals or cooperation with all the involved entities will ultimately occur, the mitigation measures are unenforceable and do not explain how the impacts to biological resources would be reduced to a less than significant level.
3. Furthermore, Fish and Game Code §3505 reads “It is unlawful to take, possess, or needlessly destroy the best or eggs or any bird” and §3503.5 states “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 eggs of any such bird.” Please note the MBTA and Fish and Game Code apply regardless of the time of year.
4. Therefore, 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, until such a time as the young have fully fledged and are foraging independently of their parents.

COMMENT 7: Burrowing Owl Surveys and Translocation; Mitigation Measure BUOW-02, Mitigation Measure 3.5.7; Appendix C.1 Biological Technical Report, Page 52

Issue: Mitigation Measure 3.5.7 states if Burrowing Owl (BUOW) are located in the project area and cannot be avoided, the project proponent may exclude any BUOW in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012), which requires a Burrowing Owl exclusion plan to be developed and approved by CDFW prior to burrow exclusion and/or closure. The DEIR further states a 1:1 mitigation ratio for permanent habitat impacts is consistent with the Staff Report.

Recommendation or Recommended Mitigation Measure:

1. The Staff Report was written before the BUOW became a candidate species for CESA listing, so the guidance obtained on exclusion, translocation, and mitigation should take the change of listing status into consideration. Exclusion and translocation activities may result in Take of the BUOW and will require the project proponent to fully comply with CESA (e.g., obtain an ITP from CDFW).
2. The DEIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the DEIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW recommends mitigation for permanent impacts to BUOW habitat to be at least a 3:1 ratio, in consultation with CDFW.

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COMMENT 8: Tricolored Blackbird Buffer, Impact 3.5.8, Mitigation Measure 3.5.8, page number

Issue: Mitigation Measure 3.5.8 Conduct Tricolored Blackbird Habitat Suitability Analysis and Avoid and Minimize Impacts reads “DWR shall retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A of the Yolo HCP/NCCP [ICF 2018], Covered Species Accounts) within 1,300 feet of the footprint of the project study area. The qualified biologist will also check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project study area during the previous five years. Based on the results of this habitat suitability analysis as well as nesting bird surveys (see Mitigation Measure 3.5.5a), DWR will establish an avoidance buffer (see Mitigation Measure 3.5.5b) to avoid adverse effects within 300 feet (or, if using the Yolo HCP/NCCP permitting process, 1,300 feet) of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW.”

Recommendation or Recommended Mitigation Measure:

1. CDFW recommends DWR extend the proposed 300-foot avoidance buffer to meet the Yolo HCP/NCCP required buffer of 1,300 feet, regardless of Yolo HCP/NCCP permitting involvement.

COMMENT 9: Bat Surveys, Impact 3.5.9: Impacts to Special-status Roosting Bats; page 3.5-55

Issue. The DEIR states pallid bat and western red bat could both occur onsite, as suitable nesting and foraging habitat for these species exist in the Project area, and surveys will be performed if trees are removed during the pupping season (April 1-July 31). The DEIR does not mention intent to survey for bat species outside of the pupping season, survey distances from Project area, number of surveys, or what information would be collected during surveys.

Recommendation or Recommended Mitigation Measure:

1. CDFW recommends a more detailed preconstruction survey measure for bats prior to starting Project construction. CDFW recommends conducting bat surveys specific to each species which have potential to be found within the Project site (Western red bat, pallid bat, etc.), surveying the Project site, and a minimum of 500 feet outside of Project site boundaries, and conducting surveys regardless of season or time of year. If bats are found within the Project site, a Bat Management and Monitoring Plan shall be prepared for review and approval by CDFW.

Example recommended language is provided below:

Bat Survey. If suitable roosting habitat is present or within 500 feet of the Project area, the qualified biologist shall conduct a pre-activity roosting bat survey no more

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than thirty (30) calendar days prior to the start of Project activities and document the survey results in a report. The survey shall at a minimum include a day survey and an evening emergence survey at potential roost structures and trees. The emergence survey shall begin 45 minutes before sunset and continue until two hours after sunset. The report shall clearly state whether roosting bats were detected. If bats were observed, the report shall include the species of bats, type of roost, and approximate colony size. If bats are observed during pre-activity surveys, a Bat Management and Monitoring Plan shall be developed prior to the start of Project activities.

If pre-activity surveys resulted in no observations of bats, the qualified biologist shall conduct a follow-up bat survey no more than seven (7) calendar days prior to the construction start date, to determine whether bats have moved into or adjacent to the Project area. The results of the follow-up survey and the survey methodology shall be written into a survey report prior to the start of Project activities. If bats are detected and may be impacted by the proposed work, a Bat Management and Monitoring Plan shall be prepared along with the survey report.

Bat Management and Monitoring Plan. The qualified biologist shall prepare a Bat Management and Monitoring Plan if roosting bats are identified during the pre-activity or pre-construction surveys and may be impacted by the proposed work. The Bat Management and Monitoring Plan shall include detailed measures to avoid and minimize impacts to roosting bats in and near the Project area including:

1. Establishing an appropriate no-disturbance buffer around bat roosts during maternity (April 15 to August 31) or hibernation (October 15 to March 1) seasons;
2. Installing exclusion devices (e.g., one-way doors, lights and fans, foam or steel wool, etc.) either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½-inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½-inch in 24 hours);
3. Scheduling tree trimming and/or tree removal either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½-inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½-inch in 24 hours). Additionally, trees shall be removed in two steps over a period of two days. On the first day, all branches that do not contain roosting habitat shall be removed. The remaining portion of the tree shall be removed on the second day. All branch removal will be conducted using chainsaws or similar handheld equipment. Tree trimming and/or tree removal may occur outside of this work window after confirmation that the suitable habitat is not occupied.”

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COMMENT 10: Special-Status Plants and Floristic Surveys; Section 3.5: Biological Resources: Special Status Plants and Appendix C.1: Biological Technical Report Section 4.2: Special-status Species; page 3.5-20 and page 32 of Appendix C.1

Issue: The Biological Technical Report provided in Appendix C.1 details that a field survey was conducted by two GEI biologists on March 17th, 18th, and 19th of 2022, to evaluate the Project site for potential special-status plant and wildlife species. The DEIR states that habitat is absent from the Project area for all special-status plants, mostly due to lack of alkaline soils. The California Native Plant Society (CNPS) shows special-status plant species occurring around the Project area (Attachment B). The potential presence/absence of special-status plant species was 'based on review of existing documentation and habitat evaluations made during field surveys.' Vegetation surveys were conducted outside of the blooming period for almost all special-status plant species being evaluated for presence within the Project area, including for Palmate-bracted bird's beak (*Chloropyron palmatum*), which is a covered species under the Yolo HCP/NCCP and Parry's rough tarplant (*Centromadia parryi ssp. rudis*), which is listed within the DEIR as potentially occurring onsite.

Recommendation or Recommended Mitigation Measure:

1. The DEIR shows potential for four plant species to occur onsite with California Rare Plant Rankings of 4.2 and 4.3. CDFW recommends that floristic assessments, surveys, and mapping be completed following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities, paying attention to blooming periods for species with potential to occur onsite (see www.wildlife.ca.gov/Conservation/Plants).

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.

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.)

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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.

CDFW appreciates the opportunity to comment on the DEIR for the Cache Creek Channel and Levee Rehabilitation Project to assist the Department of Water Resources 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 Annalise Metzger, Environmental Scientist, at (916) 358-1097 or Annalise.Metzger@wildlife.ca.gov.

Sincerely,

DocuSigned by:

C3A86764C0AD4F6...

Morgan Kilgour
Regional Manager

ec: Tanya Sheya, Environmental Program Manager
Billie Wilson, Senior Environmental Scientist (Supervisory)
Annalise Metzger, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

ATTACHMENTS

Attachment A: Partial List of Trees Suitable for Oversize Levees

Attachment B: Brittle-scale and Tarweed CNPS Snips

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REFERENCES

Yolo Habitat Conservancy. (April 2018). *Appendix C: Evaluation for Species Considered for Coverage* [Yolo HCP/NCCP]. Page C-16.

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**Attachment A:
Partial List of Trees Suitable for Oversize Levees**

Partial List of Trees *Suitable* for Oversize Levees

Alder, white	<i>Alnus rhombifolia</i>
Box Elder	<i>Acer negundo</i>
California pepper tree (male only)	<i>Schinus molle</i>
Carob tree (male only)	<i>Ceratonia siliqua</i>
China-berry	<i>Melia azedarach</i>
Chinese pistache	<i>Pistacia chinensis</i>
Coast beefwood	<i>Casuarina stricta</i>
Common catalpa	<i>Catalpa bignonioides</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Dogwood, giant	<i>Cornus controversa</i>
Dogwood, Western	<i>Cornus nuttallii</i>
Fremont cottonwood (male only)	<i>Populus fremontii</i>
Goldenrain tree	<i>Koeleruteria paniculata</i>
Hackberry, Chinese	<i>Celtis sinensis</i>
Hackberry, common	<i>Celtis occidentalis</i>
Hackberry, European	<i>Celtis australis</i>
Maidenhair tree (male only)	<i>Ginkgo biloba</i>
Mayten tree	<i>Maytenus boaria</i>
Montezuma cypress	<i>Taxodium mucronatum</i>
Oak	<i>Quercus spp.*</i>
Pagoda tree	<i>Sophora japonica</i>
Redbud, western	<i>Cercis occidentalis</i>
Redbud, eastern	<i>Cercis canadensis</i>
Sawleaf zelkova	<i>Zelkova serrata</i>
Silk tree	<i>Albizia julibrissin</i>
Strawberry tree	<i>Arbutus unedo</i> or <i>Arbutus "marina"</i>
Tallow tree	<i>Sapium sebiferum</i>
Tupelo	<i>Nyssa sylvatica</i>

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**Attachment B-1:
 Brittsescale and Tarweed CNPS Snips**

California Observation Search

ID	Plant	Photo	Observer				
CCH: JEPS90592	Atriplex depressa Brittsescale	none	Dean W. Taylor				
CCH: DAV124830	Atriplex depressa Brittsescale	none	Robert E. Preston				
wb2209-3899	Atriplex depressa Brittsescale	none	Dean Taylor				
CCH: JEPS100803	Atriplex depressa Brittsescale	none	Dean W. Taylor				
CCH: SD00019548	Atriplex depressa Brittsescale	none	Dean Wm. Taylor				
CCH: RSA0160988	Atriplex depressa Brittsescale	none	Dean Wm. Taylor				
gr16686	Atriplex depressa Brittsescale checklist	none	Dean Taylor				
CCH: 1306078	Atriplex depressa Brittsescale	none	Beecher Crampton				
CCH: UCR-118987	Atriplex depressa Brittsescale	none	Beecher Crampton				
CCH: 1305683	Atriplex depressa Brittsescale	none	Beecher Crampton				
CCH: JEPS41116	Atriplex depressa Brittsescale	none	Rimo Bacigalupi, L. R. Heckard, C. L. Custer				
CCH: 1304638	Atriplex depressa Brittsescale	none	Beecher Crampton				
CCH: 1309684	Atriplex depressa Brittsescale	none	B. Crampton	1952-10-24	UC Davis	Yolo	Alkali flats, 1.5 miles north of Davis.
CCH: 1207236	Atriplex depressa Brittsescale	none	Beecher Crampton	1952-10-24	Cal BG	Yolo	1.5 miles north of Davis.
cn1739	Atriplex depressa Brittsescale checklist	none	staff		CNPS Inventory Database	Yolo	within quad 3812156 aka 'Davis'
cn1738	Atriplex depressa Brittsescale checklist	none	staff		CNPS Inventory Database	Yolo	within quad 3812166 aka 'Grays Bend'

Map Legend: Map, Satellite

RECORD DETAIL cn1738
 Checklist
 Source: CNPS Inventory Database
 Location: within quad 3812166 aka 'Grays Bend'

Coordinates: 38.6250, -121.7321

12:03 PM
 4/14/2025

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Attachment B-2: Brittle-scale and Tarweed CNPS Snips

The screenshot displays the Calflora Observation Search interface. The search criteria are as follows:

- Scientific Name: *Centromadia parryi ssp. rudis* (exact match)
- Native Status: any
- Common Name: (empty)
- Start Date: (empty)
- End Date: (empty)
- Observer: (empty)
- Location Description: (empty)
- Location Quality: any
- Source: (empty)
- Number of Plants: at least one
- Plant List: (empty)
- Indexed After: (empty)
- Before: (empty)
- Natural Status: WILD
- Phenology: any
- Category: any
- Photo Contest Category: any
- History Filter: All records
- Questionable Records: do not include
- Documentation: reported or specimen

The search results table contains 22 records. The visible records are:

ID	Plant	Photo	Observer	Date	Source	County	Location Description
CCH-DAV243285	<i>Centromadia parryi ssp. rudis</i> Pappose tarweed	none	Chuck Hughes	2020-09-03	UC Davis	Yolo	About 0.8 mile north of the end of County Road 155, and 1.35 miles west of the Sacramento Deep Water Ship Channel.
CCH-DAV331646	<i>Centromadia parryi ssp. rudis</i> Pappose tarweed	none	Trevor Clarke	2018-07-26	UC Davis	Yolo	Yolo County: Private duck club NNW of Woodland. Research site on waterfowl habitat.
svy2998	<i>Centromadia parryi ssp. rudis</i> Pappose tarweed checklist	none	Stillwater Sciences Nicole Jurjavic	2014-07-29		Yolo	Stillwater Sciences Yolo survey

The interface also includes a map showing the search area in Yolo County, California, with a yellow polygon highlighting the search region. The map shows major roads like Highway 99 and Highway 113, and locations like Sacramento International Airport and Sacramento Deep Water Ship Channel.