

Haggerty, Nicole@Wildlife

From: Kanz, Will@Wildlife
Sent: Monday, March 17, 2025 4:15 PM
To: mbaron@eid.org; Flume45EIR@eid.org
Cc: Garcia, Jennifer@Wildlife; Seapy, Briana@Wildlife; Wildlife R2 CEQA
Subject: CDFW Comments - Flume 45 Critical Water System Infrastructure - SCH# 2024091018

Dear Michael Baron:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report from El Dorado Irrigation District (Lead Agency) for the Flume 45 Critical Water System Infrastructure Project (Project) pursuant 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.) 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.

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. 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 El Dorado County, east of the town of Pollock Pines. The total Project site footprint, encompassing all construction areas, covers approximately 5-acres. The purpose of the Project is to increase protection of Flume 45 and the District's overall El Dorado Hydroelectric Project 184 from potential catastrophic wildfire;

- Ensure a reliable water supply for drinking water and hydroelectric generation;
- Improve the safety of the El Dorado canal system; and,
- Ensure continued operational reliability of the El Dorado canal system.

COMMENTS AND RECOMMENDATIONS

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

Comment 1: Foothill yellow-legged frog (*Rana boylei*)

Issue: The DEIR states that the Project site provides suitable terrestrial habitat for foothill yellow-legged frog (FYLF), an endangered species under CESA. Additionally, Project activities will occur during the winter months when flows in the South Fork American River are higher and FYLF are likely occupying side tributaries.

Recommendation: CDFW recommends a qualified biologist conduct surveys of the Project site immediately prior to Project construction activities and during any ground-disturbing activities. If frogs in any life stage are found during surveys, work should be suspended, and the project proponent should notify CDFW and demonstrate compliance with CESA.

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 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 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 Flume 45 Critical Water System Infrastructure Project. 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 Will Kanz, Environmental Scientist, at Will.Kanz@wildlife.ca.gov.

Sincerely,

Will Kanz

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