



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



September 19, 2025

Charles Tschudin
Senior Planner
Community Development Department
300 Richards Boulevard,
Sacramento, CA 95811
ctschudin@cityofsacramento.org

Subject: Two Rivers Trail Phase II Project
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH No. 2018102058

Dear Charles Tschudin:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DSEIR from the City of Sacramento for the Two Rivers Trail Phase II Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

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, CDFW appreciates 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 at along the American River in the City of Sacramento, in the County of Sacramento, State of California. The project extends from the west side of Sutter's Landing Regional Park to the State Route (SR) 160 bridges along the south bank of the American River.

The Project consists of adding Phase 3 and Phase 4 to the original Two Rivers Trail Phase II approved in the Final EIR in December 2022. Phase 3 and Phase 4 would include additional trail alignments and design features that were not previously analyzed. The Project design footprint for the westerly trail segment has been modified to include an interim trail from the Sacramento Northern Bikeway to North 12th Street, connecting to the Two Rivers Phase I Trail. Furthermore, the Project has been expanded to include an elevated pedestrian bridge structure of the Union Pacific Railroad right-of-way, another connection to the Sacramento Northern Bikeway, and an undercrossing (underpass) of the SR-160 bridges which are all adjacent to a wild and scenic river.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Sacramento in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Subsequent Environmental Impact Report is appropriate for the Project.

CDFW is primarily concerned with the project impacts to the American River and two evolutionary significant units (ESU) of chinook salmon - Sacramento River winter-run ESU (*Oncorhynchus tshawytscha* pop. 7), and chinook salmon - Central Valley spring-run ESU (*Oncorhynchus tshawytscha* pop. 11).

COMMENT 1: Incidental Take Permit for chinook salmon - Sacramento River winter-run ESU and chinook salmon - Central Valley spring-run ESU, Required Permits and Approvals, page number 44

Issue: The Project is in and along the American River and will involve in-water activities that may impact fish species, including the CESA-listed chinook salmon - Sacramento

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River winter-run ESU and chinook salmon - Central Valley spring-run ESU which have high potential to be in the American River due to its historic salmon habitat and the operation of the Nimbus Fish Hatchery upriver. The SEIR states that Phase 4 of the Project for the SR-160 underpass will require dewatering by temporary shoring or cofferdams using steel sheet piling installed approximately 30 feet beyond the riverward edge. The Project may result in both direct and indirect impacts to the Chinook salmon such as physical injury or mortality from in-water activities such as pile driving, wall installation, and placement of fill material, sedimentation and turbidity, construction noise and vibration, and accidental fuel or contaminant spills. The SEIR states that the Project proponent will undergo Section 7 consultation under the Endangered Species Act (ESA) and the Project may affect or will be likely to adversely affect the fish species.

While the SEIR requires Section 7 consultation, the SEIR does not list an Incidental Take Permit (ITP) as a required permit, even though CESA-listed chinook salmon will most likely be present in the project area during construction. The species may be impacted by in-water activities which may result in take, as well as permanent loss of the species' habitats. Compliance with CESA, in conjunction with the ESA, would require implementation of species-specific avoidance and minimization measures and ensure the impacts of the Project are less-than-significant under CEQA.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the SEIR considers editing the Required Permits and Approvals to require compliance with CESA through the application of an ITP. Please note that full mitigation is required under CESA.

COMMENT 2: Impacts to chinook salmon - Sacramento River winter-run ESU and chinook salmon - Central Valley spring-run ESU, Impacts and Mitigation Measure (Impact BIO-1), page numbers 83, 95-97

Issue: The SEIR states that there will be approximately 0.005 acres of permanent fill within the American River for the trail, including the rock slope protection, pile supports, and retaining wall, and approximately 0.089 acre of temporary impact within the American River to accommodate construction access, including temporary fill for an access path. The SEIR further states that there will be approximately 0.502 acres of permanent impacts and approximately 0.361 acres of temporary impacts to the riparian corridor that includes removing trees that provide shading for the fish habitat.

The SEIR does not provide mitigation for permanent impacts to aquatic fish habitat and defers mitigation to permanent impacts to shaded riverine aquatic habitat to Mitigation Measure BIO-6: Compensate for Permanent Impacts to Riparian Habitat and Protected Trees from the original EIR which only mitigates at 1:1 ratio. The 1:1 mitigation ratio does not adequately encompass the compensation required to achieve at least a no net loss which is required by CEQA (Cal. Code Regs. Tit. 14, § 15065(b)(2)(C)). When taking into account the ecological value of the lost habitat, temporal loss, and the risk that the mitigation project could fail, the mitigation proposed in the SEIR does not reduce permanent project impacts to a less-than-significant level.

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Additionally, the SEIR does not include any mitigation for temporary impacts. Temporary impacts to the CESA listed species include pile driving for the sheet piles and dewatering habitat in the American River. CESA requires project impacts to be fully mitigated, including any temporary impacts. 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, CDFW recommends the SEIR include details pertaining to the permanent protection and perpetual management of compensatory habitat necessary to fully mitigate project-related impacts, both permanent and temporary. The type and amount of mitigation should be based on factors including an assessment of the importance of that habitat in the Project area, the extent to which covered activities will impact the habitat, and the estimate of the acreage required to provide for adequate compensation in coordination with CDFW.

Recommendation or Recommended Mitigation Measure: CDFW recommends the mitigation ratio for habitat impacts is a minimum of 3:1 to offset the permanent loss of aquatic and shaded riverine aquatic habitats of the CESA-listed species as well as the riparian habitat under Fish & G. Code, § 1600 et seq. CDFW also recommends that the mitigation for temporary impacts is a no less than 1:1 ratio for CESA-listed species and their habitat to reduce project impacts to a less-than-significant level. CDFW recommends that mitigation is in the form of purchasing of suitable mitigation credits from a CDFW-approved conservation bank, habitat restoration/enhancement onsite or offsite, partnership with other agencies or non-profit groups on suitable restoration projects, or other mechanisms pre-approved by the Lead Agency.

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 DSEIR for the Two Rivers Trail Phase II Project to assist the City of Sacramento 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 Harvey Tran, Senior Environmental Scientist (Specialist) at (916) 358-4035 or harvey.tran@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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Morgan Kilgour
Regional Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)
Harvey Tran, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife

Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento