

## Haggerty, Nicole@Wildlife

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**From:** Mulloy, Lauren@Wildlife  
**Sent:** Friday, February 20, 2026 4:45 PM  
**To:** Marr, Kevin@DWR  
**Cc:** Wildlife R2 CEQA; Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife  
**Subject:** CDFW Comments on Sunset Weir and Pumps Fish Passage Project - Draft Supplemental Environmental Impact Report (SCH No. 2024080016)

Dear Kevin Marr:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DSEIR from the California Department of Water Resources for the Sunset Weir and Pumps Fish Passage 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.

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 on and in the vicinity of the Feather River approximately 2 miles southeast of Live Oak in Sutter and Yuba counties, State of California. The western boundaries of the main site for the Sunset Weir removal, pump station replacement, and left bank repair activities associated with the Project are defined by portions of the west levee of the Feather River, the western bank of Sutter Extension Water District's (SEWD) Main Canal, and the right (west) bank of the Feather River. The site's

eastern boundaries are defined by the left (east) bank of the Feather River and an area extending up to 100 feet landward. The northern and southern boundaries are defined by the Feather River and adjacent SEWD property and agricultural land.

The Project consists of removal of the existing weir and restoration of passage conditions; replacement and upgrade of the pump station to operate at a lower surface water elevation and rehabilitation of existing pump discharge pipelines; installation of new fish screens that meet current State and federal standards; and stabilization of the eroded Feather River left bank downstream of the weir.

Removal of the weir would restore passage allowing access to the 28.5 miles of the Feather River from the Sunset Weir (River Mile 38.5) upstream to the existing Feather River Fish Barrier Dam (River Mile 67). Weir removal will allow for a more natural riverine morphology to persist with variable and distinct habitat types.

Along with weir removal and river restoration, the existing pumps would be replaced and upgraded to be able to operate under lower hydraulic conditions to meet existing water supply obligations. This would involve replacing the pumps and motor units and slip-lining or replacing associated discharge piping, constructing a new cast-in-place concrete structure to house the pumps and motor units, and installing contemporary fish screens that meet current criteria.

Bank stabilization work on the left bank of the Feather River would be implemented as part of the proposed Project. The work would involve flattening the eroding bank to a 3 horizontal to 1 vertical slope and protecting most of it against further failure and erosion using vegetated rock slope protection and bioengineering methods. The toe and lower portion of the vegetated rock slope protection would be stabilized with rock slope protection up to the ordinary high-water mark, with longitudinal peak stone toe protection, and with willow pole baffles planted perpendicularly to the flow.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the California Department of Water Resources 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 Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Supplemental Environmental Impact Report is appropriate for the Project.

### **COMMENT 1: Section 3.7, Biological Resources – Aquatic, Effects of Construction Activities, Impact 3.7-1, page 3.7-19**

**Issue:** The first paragraph on page 3.7-19 states *“Given the uncertainty regarding whether impacts on special-status fish species and disturbance of habitat could be avoided during construction activities where explosives are used for small dam removal, the Final SRGO Program EIR determined that this impact would be significant and unavoidable.”* This sentence indicates impacts would be significant and unavoidable where explosives are used based on the Final State Water Resources Control Board Restoration Projects Statewide Order Program Environmental Impact Report (Final SRGO Program EIR). The DSEIR goes on to say the Final SRGO Program EIR found that the general protection measures and species protection measures identified would avoid and/or reduce other potential impacts to a less-than-significant level. However, page 2-10 in the Final SRGO Program EIR also states *“Any use of explosives for removal of a small dam must be justified by individual restoration project conditions including equipment access difficulties. The use of explosives must occur in dry or dewatered conditions*

*and potential harm to salmon, steelhead, and other aquatic species from the explosives blast and pressure waves must be analyzed. Using explosives is an eligible activity; however, this approach would also require additional review and approval by appropriate regulatory agencies.*” The DSEIR Project Description does not appear to detail whether explosives will be used during Project construction. It is unclear if explosives will be used during Project construction. The DSEIR does not provide an impact analysis of explosive use on listed fish species and their habitat.

**Recommendation or Recommended Mitigation Measure:** The DSEIR should describe the use of explosives, if applicable, within the Project Description (Section 2.4.4), provide additional impact analysis for listed fish species and their habitat (Section 3.7.5), and identify mitigation measures that would avoid and/or reduce potential impacts to a less-than-significant level (Section 3.7.5). If no explosives are going to be used, consider removing from document or state more clearly why it is being referenced.

## **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 DSEIR for the Sunset Weir and Pumps Fish Passage Project to assist the California 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 Lauren Mulloy, Senior Environmental Scientist (Specialist) at (916) 358-2909 or [lauren.mulloy@wildlife.ca.gov](mailto:lauren.mulloy@wildlife.ca.gov).

Sincerely,

**Lauren Mulloy**  
**Senior Environmental Scientist (Specialist)**



North Central Region  
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Rancho Cordova, CA 95670  
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*To report poachers and polluters please call 1-888-334-2258.*

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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.