

SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT

Final Supplemental Environmental Impact Report

Prepared for
California Department of Water Resources

May 2026



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Acronyms and Other Abbreviations

Abbreviation	Definition
APN	assessor's parcel number
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
Draft SEIR	draft supplemental environmental impact report
DWR	California Department of Water Resources
Final SEIR	final supplemental environmental impact report
GPM	general protection measure
IBC	International Building Code
IPM	integrated pest management
MMRP	mitigation monitoring and reporting program
NAHC	California Native American Heritage Commission
NAVD88	North American Vertical Datum of 1988
NMFS	National Marine Fisheries Service
NOA	notice of availability
NOP	notice of preparation
OES	Office of Emergency Services
PCA	Pest Control Advisor
PRC	Public Resources Code
Proposed Project	Sunset Weir and Pumps Fish Passage Project
Regional Board	Regional Water Quality Control Board
SEIR	supplemental environmental impact report
SEWD	Sutter Extension Water District
SLF	Sacred Lands File
SRGO, or Order	Statewide Restoration General Order
SWPPP	storm water pollution prevention plan
TAC	toxic air contaminant
U.S. EPA	U.S. Environmental Protection Agency
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

Abbreviation	Definition
VELB	valley elderberry longhorn beetle
VOC	volatile organic compound

CHAPTER 1

Introduction and List of Commenters

1.1 Purpose of this Document

This final supplemental environmental impact report (Final SEIR) has been prepared for the Sunset Weir and Pumps Fish Passage Project (Proposed Project) in accordance with the California Environmental Quality Act (CEQA) and, together with the draft supplemental environmental impact report (Draft SEIR) (January 2026; State Clearinghouse No. 2024080016) and the Draft SEIR appendices, constitutes the supplemental environmental impact report (SEIR) for the Proposed Project that will be reviewed and considered by the California Department of Water Resources (DWR) prior to approving the project.

Written comments on the Draft SEIR were received by DWR during the public comment period from January 8, 2026, through February 23, 2026. Verbal comments were also received by DWR during a CEQA public meeting that took place in Yuba City on February 5, 2026, and virtually (see **Appendix A** for the meeting transcript).

This document includes all agency and public written comments received on the Draft SEIR and includes written responses to each comment received. Also included are changes to the text of the Draft SEIR, either in response to written comments or initiated by DWR staff. The responses and text changes correct, clarify, and amplify text in the Draft SEIR, as appropriate. These changes do not alter the conclusions of the Draft SEIR.

The Sunset Weir and Pumps Fish Passage Project Draft SEIR and related documents can be found on DWR's website:

<https://water.ca.gov/News/Public-Notices/2026/Jan-2026/Supplemental-Environmental-Impact-Report-for-the-Sunset-Weir-and-Pumps-Fish-Passage-Project>

1.2 Summary of the Proposed Project

The Proposed Project consists of removal of the Sunset Weir and restoration of natural, volitional passage conditions for protected migratory fish species; replacement and upgrade of the Sunset 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 for protecting fish; and stabilization of eroded Feather River left bank downstream of the weir, incorporating bioengineering techniques. Removal of the Sunset Weir would restore unimpeded passage so that migratory fish could access 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 would also allow for a more

natural riverine morphology with variable and distinct habitat types (e.g., deep pools and shallow riffles) as compared to the current backwatered and more slough-like conditions that persist for miles upstream of the existing weir; in this way, weir removal would restore natural fish passage conditions for the Feather River channel. Concurrent with weir removal and river restoration, the Sunset Pumps would be replaced and upgraded to be able to operate under the lowered riverine 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 (i.e., wet well) that would 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. The left bank stabilization area below the ordinary high-water mark would be allowed to fill in naturally over time, with the final grade designed to benefit native fish as potential off channel refugia for out-migrating salmon and sturgeon during their seasonal migration periods at higher flows.

1.3 Project Actions

Adoption of the Proposed Project is anticipated to include, but may not be limited to, the following DWR actions:

- Certification of the SEIR to determine that the SEIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of DWR.
- Adoption of a Mitigation Monitoring and Reporting Program (MMRP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the Proposed Project's significant effects on the environment.
- Adoption of Findings of Fact and Statement of Overriding Considerations.

1.4 Organization of the Final SEIR

The Final SEIR is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter summarizes the project under consideration and describes the contents of the Final SEIR. This chapter also contains a list of all of the agencies and individuals who submitted comments on the Draft SEIR during the public review period, presented in order by date received.

Chapter 2 – Revisions to the Draft SEIR: This chapter summarizes text changes made to the Draft SEIR in response to comments made on the Draft SEIR. Changes to the text of the Draft SEIR are shown by either ~~strike through~~ where text has been deleted, or double underline where new text has been inserted.

Chapter 3 – Comments and Responses: This chapter contains the comment letters and transcripts of verbal comments received on the Draft SEIR, followed by responses to each individual comment. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

Some comments that were submitted to DWR do not pertain to substantial environmental issues or do not address the adequacy of the analysis contained in the Draft SEIR. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to environmental issues analyzed in the Draft SEIR, does not ask a question about the adequacy of the analysis contained in the Draft SEIR, expresses an opinion related to the merits of the Proposed Project, or does not question an element of or conclusion of the Draft SEIR, the response notes the comment and may provide additional information where appropriate. Some comments express opinions about the merits or specific aspects of the Proposed Project and these are included in the Final SEIR for consideration by the decision-makers.

Chapter 4 – Mitigation Monitoring and Reporting Program: This chapter contains the MMRP to guide DWR in its implementation and monitoring of measures adopted in the SEIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

1.5 Public Participation and Review

DWR has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft SEIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft SEIR:

- A notice of preparation (NOP) for the SEIR was filed with the State Clearinghouse on August 1, 2024 (State Clearinghouse No. 2024080016). The official 30-day public review comment period for the NOP ended on August 30, 2024. The NOP was distributed to federal, State, and local agencies and other interested parties to solicit comments on the Proposed Project. The NOP was also posted on DWR’s website and was filed at the Sutter County Clerk’s office.
- A public scoping meeting for the SEIR was held on August 15, 2024, at the Yuba City Council Chambers in Yuba City, California and virtually.
- A notice of availability (NOA) and the Draft SEIR were filed with the State Clearinghouse on January 8, 2026. A 47-day public review period for the Draft SEIR ended on February 23, 2026. The NOA was also published in the *Sacramento Bee* and *Appeal Democrat*, sent to appropriate federal, State, and local agencies and other interested parties, published on DWR’s website, and filed at the Sutter and Yuba County Clerk’s offices.
- Copies of the Draft SEIR were available for review at the following locations:
 - Sutter County Library, 750 Forbes Avenue, Yuba City, CA 95991

- Sutter Extension Water District, 4525 Franklin Road, Yuba City, CA 95993
- California Department of Water Resources, Division of Multibenefit Initiatives, 715 P Street, 6th Floor, Sacramento, CA 95814
- A CEQA public meeting was held on February 5, 2026, at the Yuba City Council Chambers in Yuba City, California and virtually to give the public an opportunity to hear information on the CEQA process and the Draft SEIR and provide verbal comments on the Draft SEIR.

1.6 CEQA Certification and Project Approval

Before DWR makes a decision with regard to the Proposed Project, CEQA Guidelines Section 15090(a) requires that DWR first certify that the SEIR has been completed in compliance with CEQA, that DWR has reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment and analysis of DWR.

In the event DWR approves the Proposed Project, CEQA requires that it file a Notice of Determination and adopt appropriate findings as set forth in CEQA Guidelines Section 15091. Under CEQA Guidelines Section 15092, a lead agency may approve or carry out a project subject to an environmental impact report only if it determines that: (1) the project will not have a significant effect, or (2) the agency has eliminated or substantially lessened all significant effects on the environment where feasible and any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations.

1.7 List of Commenters

DWR received four verbal comments and 16 written comment letters during the comment period on the Draft SEIR for the Proposed Project (**Appendix B**). **Table 1-1** indicates the commenter, numerical designation for each comment letter, and the date of the comment letter.

TABLE 1-1
VERBAL COMMENTS AND COMMENT LETTERS REGARDING THE
SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT DRAFT SEIR

Letter #	Author(s) of Comment Letter/Email	Agency/Company	Date of Comment Letter/Email
1	Francis Coats		1/10/2026
2	Francis Coats		1/10/2026
3	Francis Coats		1/13/2026
4	Alfred Kannely	Liberty Tractor, LLC	1/14/2026
5	Francis Coats		1/15/2026
6	Francis Coats		1/20/2026
7	Francis Coats		1/20/2026
8	Brandy Chaffin		1/23/2026
9	Francis Coats		1/26/2026
10	Chris Saxi		2/3/2026
11	David Neubert		2/4/2026
12	Eric Hess		2/5/2026
13	Francis Coats		2/5/2026
14	David Neubert		2/5/2026
15	Dale Whitmore		2/5/2026
16	Eric Hess		2/5/2026
17	Dale Whitmore		2/5/2026
18	Francis Coats		2/6/2026
19	Lauren Mulby, Senior Environmental Scientist	California Department of Fish and Game, North Central Region	2/20/2026
20	Kathleen Cosby		2/23/2026

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CHAPTER 2

Revisions to the Draft SEIR

2.1 Introduction

This chapter describes changes made to the Proposed Project since publication of the Draft SEIR, as well as text changes made to the Draft SEIR either in response to a comment letter, initiated by DWR staff, or in response to a modification to the Proposed Project.

Under CEQA, recirculation of all or part of an EIR may be required if significant new information is added after public review and prior to certification. According to CEQA Guidelines Section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, the CEQA Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from those others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The text changes described below update, refine, clarify, and amplify the project information and analyses presented in the Draft SEIR. No new significant impacts are identified, and no information is provided that would involve a substantial increase in the severity of a significant impact that would not be mitigated by measures agreed to by DWR. In addition, no new or considerably different DWR alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft SEIR. Therefore, recirculation of any part of the Draft SEIR is not required.

2.2 Text Changes to the Draft SEIR

This section summarizes text changes made to the Draft SEIR either in response to a comment letter or in response to a modification to the Proposed Project. Since circulation of the Draft SEIR, an additional alternative staging area has been identified west of Levee Road for use during construction; this area was surveyed for biological and cultural resources on February 18, 2026 (an additional memorandum describing the findings of the biological resources survey is included in Draft SEIR Appendix E, described below). Also, the scour hole in the Feather River immediately downstream of the weir is no longer proposed for partial fill. These modifications are described below.

New text is indicated in double underline and text to be deleted is reflected by ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft SEIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft SEIR. The text changes do not result in a change in the analysis or conclusions of the Draft SEIR.

In addition, as described in the summary of text changes to the Draft SEIR below, the potential impacts resulting from the use of the additional alternative staging area during construction within the Proposed Project site have been evaluated and are within the evaluation of environmental effects and mitigation measures in the Statewide Restoration General Order Program EIR and the Draft SEIR.

2.2.1 “Executive Summary”

Page ES-4, the third sentence of the third paragraph is revised as follows:

Suitable portions of the weir material and material imported for the construction of temporary access ramps and work pads would be used ~~to partially fill the large scour hole in the river immediately downstream of the weir and/or~~ in the left bank stabilization.

Page ES-12, Impact 3.8-2, the first and second sentences of the last bullet of Mitigation Measure 3.8-1e are revised as follows:

- If potential human remains are encountered, all work will halt within a minimum of 100 feet (or greater agreed-upon distance) of the find and the construction contractor will immediately contact DWR and SEWD or its representative, SBFCA. DWR, SEWD or its representative, SBFCA, and/or the on-site archaeologist will contact the appropriate County coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5.

2.2.2 Chapter 1, “Introduction”

Page 1-4, Table 1-1, the last sentence in the last row of “Benefits of the Proposed Project” is revised as follows:

Furthermore, the substantial existing drop in water surface elevation and/or change in flow area across the weir creates a turbulent, plunging flow that has contributed to the formation of a deep scour hole in the river just downstream; the Proposed Project would reduce scour downstream and ~~partially fill~~ the existing scour hole in the river is expected to fill naturally with river sediments (e.g., gravel) once the weir is removed.

Page 1-5, Table 1-2, the last sentence in the third row of “Proposed Project Benefits” is revised as follows:

Furthermore, the substantial existing drop in water surface elevation and/or change in flow area across the weir creates a turbulent, plunging flow that has contributed to the formation of a deep scour hole in the river just downstream; the Proposed Project would reduce scour downstream and ~~partially fill the existing scour hole in the river~~ is expected to fill naturally with river sediments (e.g., gravel) once the weir is removed.

Page 1-9, Table 1-5, the last sentence in the first row of “Discussion” is revised as follows:

Suitable portions of the weir material (including boulders) and rock imported for the construction of temporary access ramp and work pads would be used ~~to partially fill the large scour hole in the river immediately downstream of the weir and, potentially,~~ in the left bank stabilization area.

Page 1-9, Table 1-5, the last three sentences in the third paragraph of the fourth row of “Discussion” are revised as follows:

~~The large scour hole in the river immediately downstream of the weir would be partially filled. Most materials that would be used to fill the scour hole would be from the existing weir and are expected to be at least cobble and boulder size materials; thus, they are less likely to be mobilized and flushed downstream. Therefore, the channel bottom profile after weir removal is expected to be relatively stable and potential scouring or headcutting is unlikely.~~

Page 1-16, the last sentence of the first bulleted item is revised as follows:

The existing scour hole downstream of the weir ~~would be only partially filled to allow the riverbed to adjust naturally;~~ it is expected to fill naturally with river sediments (e.g., gravel) once the weir is removed, thereby creating a more natural morphology and a cap over any placed weir material.

2.2.3 Chapter 2, “Project Description”

Page 2-5, the first paragraph below Table 2-1 is revised as follows:

Figure 2-4 shows the project components within the main site for the Proposed Project. **Figure 2-5** shows ~~five~~ four alternative staging areas east of the Feather River. The main site for the Proposed Project, the ~~five~~ four alternative staging areas, and SEWD’s maintenance yard (which may be used for spoils storage) are referred to collectively in this document as the “Proposed Project site.”

Page 2-6, the first paragraph of Section 2.2.2, “Staging Areas, Spoils Storage, and Additional Access Routes” is revised as follows:

Figures 2-4 and 2-5 show the staging areas proposed for the Proposed Project. On the right bank of the Feather River, staging areas would be located north and south of the existing pump station and to the west of Levee Road. Additional staging areas would be located on the left bank side (east of the river) as depicted in these figures.

Page 2-11, the last two sentences in the first full paragraph is revised as follows:

Suitable portions of the weir material and material imported for the construction of temporary access ramps and work pads would be used to partially fill the large scour hole ~~in the river immediately downstream of the weir and/or in the left bank stabilization area~~. The other large scour hole in the river channel immediately downstream of the weir is expected to fill naturally with river sediments (e.g., gravel) once the weir is removed, thereby creating a more natural morphology and a cap over any placed weir material.

Page 2-19, the last sentence of the second paragraph is revised as follows:

The staging areas on the right (west) bank would be on private properties adjacent to the Sunset Pump Station (APN 09-305-003 to the north and APNs 10-045-005 and 10-045-009 to the south) and to the west of Levee Road (APN 10-015-004).

Page 2-19, the fourth and fifth paragraphs are revised as follows:

The removal of the existing weir and filling of the left bank stabilization area ~~and/or river scour hole~~ would be facilitated with heavy equipment (e.g., excavators, haulers, and cranes) that would be staged on the existing weir and/or temporary work surfaces. If needed, barge systems would also allow an excavator to move close to the weir ~~and scour hole~~ safely and would be used to shuttle equipment and excavated materials.

Excavated weir material would be transported and permanently deposited in the left bank stabilization area ~~and/or scour hole immediately downstream of the existing weir~~.

Page 2-19, the third sentence of the fifth paragraph is revised as follows:

As necessary, excavated material would be temporarily stockpiled in staging areas depicted in Figure 2-4 (three locations labeled "43") and Figure 2-5 (five ~~four~~ locations labeled "1").

Page 2-20, the first paragraph is revised as follows:

Construction activities associated with the removed weir, ~~filled downstream scour hole~~, three main staging areas adjacent to the river and weir site, left bank stabilization, temporary access, temporary pumps, and the five ~~four~~ alternative staging areas and SEWD's maintenance yard would disturb up to approximately 8.5 acres.

Page 2-21, the second paragraph is revised as follows:

Excavated weir materials, and potentially materials used to construct the temporary work pads, would be ~~used to partially backfill the downstream scour hole and/or would be placed within the left bank fill area. The top layer of the fill at the downstream scour hole would consist of coarse sand and gravel to provide an enhanced resting pool for fish.~~ Once the weir is removed, the scour hole in the river is ~~also~~ expected to partially fill in naturally over time with bed material transported by the river. It is anticipated that approximately 30 percent of the weir material would be unsuitable to fill the ~~downstream scour hole and/or left bank area~~ and would be hauled away by the contractor and disposed of in an approved disposal facility.

2.2.4 Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures”

Section 3.3, “Environmental Issues Not Requiring Further Analysis”

Page 3-9, the first sentence of the third paragraph is revised as follows:

With adherence to the applicable general protection measures and implementation of SRGO Mitigation Measures GEO-1, ~~and GEO-3, GEO-4, and GEO-6~~ through GEO-10, the Proposed Project would be consistent with the restoration projects analyzed under the SRGO Final Program EIR.

Page 3-9, the first paragraph under Section 3.3.4, “Land Use/Planning” is revised as follows:

The Proposed Project site is located within Sutter and Yuba counties. The assessor’s parcel numbers that make up the Proposed Project site include 09-305-002, 09-305-003, 09-305-004, 10-045-005, 10-045-009, and 005-010-017 at the Sunset Pump Station, weir, and left bank stabilization area; 10-015-004, 005-010-017, 005-010-054, and 005-160-050 at the alternative staging area sites; and 13-280-054, 13-280-055, and 13-280-108 at the SEWD maintenance yard (4525 Franklin Road, Yuba City; potential spoils site).

Section 3.4, “Agriculture”

Page 3.4-2, the second paragraph is revised as follows:

The main site for the Proposed Project, the ~~five-four~~ five alternative staging areas, and SEWD’s maintenance yard (which may be used for spoils storage) are referred to collectively as the “Proposed Project site.” The Proposed Project would not include any components on farmland; however, the Proposed Project site is bordered by Prime Farmland and Farmland of Local Importance (California Department of Conservation 2022).

Page 3.4-11, the fourth paragraph is revised as follows:

In 2019 (before the CEQA baseline date of August 1, 2024) a portion of the Sunset Weir was damaged, concentrating flows on the left bank of the Feather River; this resulted in substantial bank erosion and damage to an orchard (based on aerial review the erosion resulted in approximately 0.5 acre of orchard loss). Temporary staging for the proposed left bank stabilization work would occur within active farmland designated as Prime Farmland and would disturb approximately 80 trees in the orchard (approximately 1 acre). Also, temporary staging to the west of Levee Road (approximately 2.4 acres) may occur in a fallow field designated as Unique Farmland and Farmland of Statewide Importance. These ~~This~~ temporary impacts to Special Designation Farmland would not permanently convert the areas to non-agricultural use. The ~~This~~ areas would continue to be able to be used for agricultural purposes after construction and DWR would communicate with the property owners before construction.

Section 3.6, “Biological Resources–Terrestrial”

Page 3.6-13, the last paragraph of the *Valley Elderberry Longhorn Beetle* subheading is revised to clarify the reference and add the following *Giant Garter Snake* subheading and text immediately after the *Valley Elderberry Longhorn Beetle* text:

The valley elderberry longhorn beetle framework recommends additional analysis of elderberry shrubs within 165 feet (approximately 50 meters) of a project site (U.S. Fish and Wildlife Service 2017a). In total, 13 elderberry shrubs were observed on or within 165 feet of the Proposed Project site. These shrubs may be occupied by valley elderberry longhorn beetles.

Giant Garter Snake

The USFWS published a proposal to list the giant garter snake (*Thamnophis gigas*) as an endangered species on December 27, 1991. The USFWS reevaluated the status of the giant garter snake adopting the final rule, which listed the giant garter snake as a threatened species on October 20, 1993.

Giant garter snakes formerly occurred throughout the wetlands that were extensive and widely distributed in the Sacramento and San Joaquin Valley floors of California. The historical range of the giant garter snake is thought to have extended from the vicinity of Chico, Butte County, southward to Buena Vista Lake, near Bakersfield, in Kern County. Early collecting localities of the giant garter snake coincide with the distribution of large flood basins, particularly riparian marsh or slough habitats and associated tributary streams. Loss of habitat due to agricultural activities and flood control have extirpated the giant garter snake from the southern one-third of its range in former wetlands associated with the historic Buena Vista, Tulare, and Kern lake beds (U.S. Fish and Wildlife Service 2017b).

Endemic to wetlands in the Sacramento and San Joaquin valleys, the giant garter snake inhabits marshes, sloughs, ponds, small lakes, low-gradient streams, and other waterways and agricultural wetlands, such as irrigation and drainage canals, rice fields, and the adjacent uplands (U.S. Fish and Wildlife Service 2017b). Essential habitat components consist of: (1) wetlands with adequate water during the giant garter snake’s active season (early-spring through mid-fall) to provide food and cover; (2) emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat during the active season; (3) upland habitat with grassy banks and openings in waterside vegetation for basking; and (4) higher elevation uplands for over-wintering habitat with escape cover (vegetation, burrows) and underground refugia (crevices and small mammal burrows). Giant garter snakes are typically absent from larger rivers and other bodies of water that support introduced populations of large, predatory fish, and from wetlands with sand, gravel, or rock substrates. Riparian woodlands do not provide suitable habitat because of excessive shade, lack of basking sites, and absence of prey populations.

Giant garter snake are one of the most aquatic of the garter snake family and are active foragers, feeding primarily on aquatic prey such as fish and amphibians. Because the giant garter snake’s historic prey species are either declining, extirpated, or extinct, the predominant food items are now introduced species such as carp (*Cyprinus carpio*), mosquitofish (*Gambusia affinis*), and

larval and sub-adult bullfrogs (*Lithobates caecilians*). However, one of their primary prey species are the native Sierran tree frogs and their larva.

The potential presence of giant garter snake within the Proposed Project site is very limited. The Proposed Project site mainly overlaps the Feather River, the Sunset Weir rock barrier, and the left bank scour area; the Feather River is not suitable for giant garter snake as it contains large predators. The only portion of the Proposed Project site where giant garter snake could be present is the proposed staging area west of Levee Road (Figure 2-5). This specific staging area is located in an agricultural field in close proximity to the Sutter-Butte Main Canal and an unnamed irrigation ditch. These specific linear aquatic features may be used by the giant garter snake as a movement corridor between more suitable foraging habitat areas within the region (Appendix E).

Page 3.6-32, Impact 3.6-2, *Effects of Construction Activities*, is revised to add the following text:

Giant Garter Snake

While suitable aquatic habitat for giant garter snake is absent within the Feather River, the Sutter-Butte Main Canal and an unnamed irrigation ditch are aquatic features located adjacent to the proposed staging area west of Levee Road (Figure 2-5). These two linear aquatic features represent potential aquatic habitat for the giant garter snake. The species would likely only be utilizing these waterways as movement corridors to reach more suitable foraging habitat areas. The proposed staging area west of Levee Road is an actively managed agricultural field which was observed to lack soil crevices, cracks, small mammal burrows, and riprap. The lack of these features reduces the likelihood that any giant garter snake individuals would be occupying upland areas within the Proposed Project site.

The Proposed Project would not involve any work within the Sutter-Butte Main Canal or the unnamed irrigation ditch, thereby avoiding any direct impacts to giant garter snake aquatic habitat. The Proposed Project could adversely affect giant garter snake individuals primarily through vehicle strikes of snakes traveling in uplands within the proposed staging area west of Levee Road. While this existing footprint currently lacks the upland habitat features typically utilized by the giant garter snake—such as soil crevices, burrows, and riprap—there is a potential that giant garter snake individuals may occupy the area ephemerally given its close proximity to suitable aquatic habitat. Additionally, stockpiles of construction materials within the staging area could also attract giant garter snake as new opportunities for thermoregulation (e.g., basking on staged rocks) or temporary refuge from predators.

In addition to the general protection measures identified in the Final SRGO Program EIR to protect special-status terrestrial wildlife (GPM-1 through GPM-7, GPM-10, GPM-13, GPM-15, WQHM-1, WQHM-2, WQHM-4 through WQHM-6, VHDR-1 through VHDR-5), the following general and reptile species protection measures in the Final SRGO Program EIR would apply to the Proposed Project to protect giant garter snake: SPM-1 through SPM-5, REP-1 through REP-3, REP-5, and REP-6. (See Tables 1-7 and 1-8 in Chapter 1, “Introduction,” of this Draft SEIR for general protection measure and species protection measure titles; see also Appendix B.)

Page 3.6-35, Impact 3.6-2, *Effects of Constructed Facilities and Operations and Maintenance*, is revised to add the following text:

Giant Garter Snake

Maintenance of constructed restoration elements for the Proposed Project is not expected to affect giant garter snake, because those activities would occur within and immediately around the Feather River which is not suitable habitat for the species. The proposed staging area west of Levee Road (Figure 2-5) would be returned to its current existing use as active farmland under private ownership and would not be part of the footprint of ongoing maintenance of constructed restoration elements for the Proposed Project. No ongoing maintenance work associated with the Proposed Project would occur within the Sutter-Butte Main Canal or the unnamed irrigation ditch west of Levee Road.

Section 3.8, “Cultural Resources”

Page 3.8-14, the first paragraph is revised to add the following text:

On multiple occasions in 2022 and 2024, archaeologists conducted pedestrian surface surveys of all accessible portions of the Proposed Project site. Another pedestrian survey of the alternative staging area west of Levee Road was completed on February 18, 2026.

Page 3.8-26, the first and second sentences of the last bullet of Mitigation Measure 3.8-1e are revised as follows:

- If potential human remains are encountered, all work will halt within a minimum of 100 feet (or greater agreed-upon distance) of the find and the construction contractor will immediately contact DWR and SEWD or its representative SBFCA. DWR, SEWD or its representative SBFCA, and/or the on-site archaeologist will contact the appropriate County coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5.

Section 3.10, Hazards and Hazardous Materials

Page 3.10-1, the last sentence in the paragraph is revised as follows:

As discussed in Chapter 2, Section 2.2, “Project Location,” the main site for the Proposed Project in and within the vicinity of the Feather River, the five ~~four~~ alternative staging areas, and Sutter Extension Water District’s (SEWD’s) maintenance yard (which may be used for spoils storage) are referred to collectively in this document as the “Proposed Project site.”

Section 3.12, Recreation

Page 3.12-2, the text under the Feather River Wildlife Area subheading is revised as follows:

The Feather River Wildlife Area comprises eight separate wildlife area management units. Five wildlife area units are located on the west side of the Feather River in Sutter County, totaling 1,724 acres; from north to south, these are the Morse Road Unit, Shanghai Bend Unit, Abbott Lake Unit, O’Connor Lakes Unit, and Nelson Slough Unit. Three units that together total 1,180 acres—from north to south, the Marysville Unit, Star Bend Unit, and Lake of the Woods Unit—are located on the east side of the Feather River in Yuba County. ~~The closest unit of the Feather~~

~~River Wildlife Area to the Proposed Project site is the Morse Road Unit, approximately 2 miles from the site (California Department of Water Resources 2014). The California Department of Fish and Wildlife lists the following six units as public access lands: Abbot Lake, O'Connor Lakes, Star Bend, Nelson Slough, Lake of the Woods, and Shanghai Bend (California Department of Fish and Wildlife 2026).~~

The Feather River Wildlife Area is accessible by vehicular travel, boating, biking, and walking from public roads or trails, although not all units are necessarily accessible by all methods of travel. Hunting, fishing, trapping, bird-watching, hiking, nature study, picnicking, and boating are allowed in the wildlife area. Hunting is restricted to certain seasons for authorized species.

2.2.5 Chapter 4, “Cumulative Impacts”

Page 4-6, the first paragraph under the heading “Cumulative Effects of Construction Activities” is revised as follows:

Construction activities for the Proposed Project would be temporary and would occur adjacent to agricultural lands. Agricultural lands, including Special Designated Farmland, would not be directly affected by the Proposed Project. Temporary staging for the left bank stabilization work would occur within active farmland designated as Prime Farmland and would disturb approximately 80 trees in the orchard (approximately 1 acre). Also, temporary staging to the west of Levee Road (approximately 2.4 acres) may occur in a fallow field designated as Unique Farmland and Farmland of Statewide Importance. These ~~These~~ temporary impacts to Special Designation Farmland would not permanently convert the areas to non-agricultural use.

2.2.6 Chapter 7, “References”

Page 7-8, the following text additions are made to Section 7.9, “Section 3.6, ‘Biological Resources—Terrestrial’”:

U.S. Fish and Wildlife Service. 2017a. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (*Desmocerus californicus dimorphus*). Sacramento (CA): U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office. May 2017.

———. 2017b. *Final Recovery Plan for the Giant Garter Snake (Thamnophis gigas)*. Sacramento (CA): U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office. Available: https://ecos.fws.gov/docs/recovery_plan/20170928_Signed%20Final_GGS_Recovery_Plan.pdf.

Page 7-22, the following text addition is made to Section 7.15, “Section 3.12, “Recreation””:

California Department of Fish and Wildlife. 2026. Feather River Wildlife Area Overview. Available: <https://wildlife.ca.gov/Lands/Places-to-Visit/Feather-River-WA>.

2.2.7 Changes to Figures

Draft SEIR Figure 2-3 (page 2-4) was updated to show updated parcel lines and assessor’s parcel numbers (APNs) based on surveyed boundaries, as shown in Final SEIR **Appendix B**.

Draft SEIR Figure 2-4 (page 2-7) was revised to indicate that item 2, filling the downstream scour hole, is no longer proposed, reverse the labels associated with items 3 and 4 in the Keyed Notes section and update the “Butte-Sutter Main Canal” label to “Sutter-Butte Main Canal,” update the staging area and project design footprints, and add the existing approximate ordinary high water mark upstream of the weir (at elevation 58.4 feet North American Vertical Datum of 1988 [NAVD88]), and the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88), as shown in Final SEIR **Appendix B**.

Draft SEIR Figure 2-5 (page 2-8) was revised to show an additional alternative staging area considered west of Levee Road. The label for the “Butte-Sutter Main Canal” was updated to “Sutter-Butte Main Canal” and unnecessary access routes upstream of the project site were removed, as shown in Final SEIR **Appendix B**.

Draft SEIR Figure 2-7 (page 2-13) was revised to remove the downstream scour hole fill from the lower graph, as shown in Final SEIR **Appendix B**.

Draft SEIR Figures 3.4-1, 3.6-1, 3.6-2a, and 3.6-2b (pages 3.4-3, 3.6-3, 3.6-6, and 3.6-7, respectively) were updated to show an additional alternative staging area considered west of Levee Road, as shown in Final SEIR **Appendix B**.

2.2.8 Changes to Appendices

Appendix B page B-15, the first sentence of REP-6 is revised as follows:

REP-6: Species Handling and Relocation. A special-status reptile will only be captured and relocated when it is the only option to prevent its death or injury, and after all attempts to avoid interaction of the species have been exhausted as described in REP-5 ~~REP-6~~, *Species Observation and Encounters*.

Appendix E was revised to add the memorandum of findings from a biological resources survey of the additional alternative staging area on February 18, 2026, as shown in Final SEIR **Appendix C**.

CHAPTER 3

Comments and Responses

3.1 Introduction

This chapter contains a reprint of the comments received on the Draft SEIR (**Appendix D**) followed by DWR’s responses, which are intended to supplement, clarify, or amend information provided in the Draft SEIR or to refer the reader to the appropriate place in the document where the requested information can be found. Comments not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft SEIR are warranted based upon comments on the Draft SEIR, those changes are included in Chapter 2, “Revisions to the Draft SEIR.”

Occasionally, a response to a comment provides a cross-reference to another response to comment. This occurs when the same, or very similar, comment was made or question asked and an appropriate response was included elsewhere.

3.2 Responses to Draft SEIR Comments

Letter 1 **Francis Coats**
Response January 10, 2026

Comment 1-1

“I have begun reviewing the Draft Sunset Weir and Pumps Fish Passage Project. It appears that none of my comments concerning public use rights are addressed. My comments address public use rights under the navigable easement, constitutional right to fish and public trust doctrine. They are constitutionally based. The report may satisfy California Environmental Quality Act requirements, yet still run afoul of these public use issues, and encounter substantial delay and expense for the failure to address these issues.”

“I will provide more comment, but for now.”

Response 1-1

DWR presumes that the commenter is referring to comments that were submitted on August 3, 5, 25, and 29, 2024, as part of the CEQA notice of preparation (NOP) and scoping for the Proposed Project (Draft SEIR Appendix A). As stated on Draft SEIR pages ES-6, 1-19, 3.11-1, 3.12-1, and 3.13-1, comments submitted in response to the NOP were considered during preparation of the Draft SEIR. The NOP comments were included in Appendix A of the Draft SEIR.

CEQA requires evaluation of a project’s potential to result in significant effects on the physical environment (Public Resources Code Section 21060.5; CEQA Guidelines Section 15360). The concerns raised by the commenter pertaining to the navigable easement, constitutional right to fish, and public trust doctrine do not identify a physical environmental impact resulting from the Proposed Project. Nor do the comments address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

The Draft SEIR addresses the Proposed Project’s potential impacts to recreation in Section 3.12, “Recreation.” As noted in this section, public access to the Feather River would not change with implementation of the Proposed Project compared to baseline conditions. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2).

See Comment Responses 1-2 through 1-7 below for responses to the specific Draft SEIR comments provided in this comment letter.

Comment 1-2

“The public has right to be on the Feather River including its temporarily dry bed and banks below ordinary high water mark, and there engage in recreational activity. This includes traveling along its banks without an unnecessary artificial obstruction or at least a reasonable detour around the obstruction.”

Response 1-2

Comment 1-2 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

The Feather River is a navigable water, and the public’s right to use California waterways is protected by both the United States and California Constitutions and reinforced through California statutes. In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet North American Vertical Datum of 1988 [NAVD88]), along with the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88). The Draft SEIR impact analysis considers the Proposed Project’s potential impacts on public trust uses, such as recreation within the Feather River (see Draft SEIR Section 3.12, “Recreation”).

Comment 1-3

“This entire river is a recreational resource. The public has the right to be on its banks generally, not just those parts certified for public access by some authority.”

Response 1-3

Comment 1-3 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

The Draft SEIR identified the Feather River as a recreational resource; the potential impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12, “Recreation.” See also Comment Response 1-2.

Comment 1-4

“The public has a right to fish from and on state-owned land, and to do those things necessary and convenient to enjoy the right. SEWD is a state agency and land held in its name is state-owned land at this time a substantial portion of the SEWD parcel is devoted to lawn and parking area adjacent to a residence. As it sits there is no credible argument that it is not feasible to permit access across the SEWD parcel between the levee crown road and the river bank.”

Response 1-4

Comment 1-4 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

Recreational access rights would not change with the Proposed Project, and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” Sutter Extension Water District

(SEWD's) property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

Comment 1-5

“A California public agency should not make a decision which will harm a public trust interest without having first considered the effect of the decision on the public trust, avoiding so far as feasible any harm to the interest, and providing this consideration in a public manner facilitating public participation.”

Response 1-5

Comment 1-5 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization. See Draft SEIR Chapter 2, “Project Description,” for the full list of activities associated with the Proposed Project; the impact analysis for the Proposed Project is included in Draft SEIR Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures.” The impact analysis considers the Proposed Project's potential impacts on public trust uses, such as recreation within the Feather River (see Draft SEIR Section 3.12, “Recreation”).

The Draft SEIR was circulated for public review and comment from January 8 through February 23, 2026. A public meeting was held on the Draft SEIR on February 5, 2026, in Yuba City and virtually. DWR has complied with all noticing and public review requirements of CEQA (see Final SEIR Section 1.5, “Public Participation and Review”).

Comment 1-6

“Reciting that my comments were considered does not make the facts and thought process relied upon by the agency public. This does not facilitate public participation.”

Response 1-6

Comment 1-6 does not address the sufficiency of the Draft SEIR. See Comment Response 1-5 and Final SEIR Section 1.5, “Public Participation and Review.” Responses to comments received on the Draft SEIR are included as part of this Final SEIR. Public comment periods, scoping, and responses to comments have been conducted in accordance with CEQA requirements.

Comment 1-7

“Public access to and use of navigable waters is the historic core of the public trust doctrine. It might be that CEQA allows the report to recite that SEWD is already violating public use rights under the navigable easement, constitutional fishing rights and the public trust doctrine, so continued violation works no change; however, that is no defense to an action to enforce those rights. A failure to address these issues at this time puts the entire project at risk. Thanks for your time and effort.”

Response 1-7

Comment 1-7 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

No right of public access currently exists on SEWD's property. As discussed in Comment Response 1-4 and Draft SEIR Section 3.12, access rights under the Proposed Project would not change, and SEWD's property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

Letter 2 **Francis Coats**
Response January 10, 2026

Comment 2-1

“IT IS DIFFICULT TO UNDERSTAND WHY ANYONE OBJECTS TO PEDESTRIAN ACCESS ACROSS THE SEWD PARCEL TO AND FROM THE RIVER.”

Response 2-1

Comment 2-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment. See also Comment Responses 2-1, 2-3 through 2-8, and 2-10.

As stated in Comment Response 1-4, recreational access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

Comment 2-2

“THE REMOVAL OF THE WEIR LIKLEY WILL SIGNIFCANTLY INCREASE THE RECREATIONAL USE OF THE FEATHER RIVER.”

Response 2-2

Comment 2-2 asserts that the Proposed Project would likely result in a significant increase in the recreational use of the Feather River; however the comment does not indicate that an increase in recreational use would result in direct impairment, degradation, or elimination of recreational resources (Impact 3.12-1); alter or require construction of recreational facilities that could result in environmental impacts (Impact 3.12-2); or result in substantial physical deterioration of existing recreation resources (Impact 3.12-3). It is acknowledged that the Proposed Project would remove an existing obstruction to boating use along the Feather River through removal of the Sunset Weir. As a result, boating use within this stretch of the river could increase due to existing boaters extending trip lengths; or boaters utilizing this segment of the Feather River instead of other waterways as a result of the enhanced length of the unobstructed river.

As discussed in Draft SEIR Section 3.12, “Recreation,” although the use of existing recreational resources (such as for boating) may increase because passage in the Feather River would be restored, the Proposed Project does not include any new or enhanced river access points and the land adjacent to the Proposed Project site is not currently open to public access or recreation. River access would continue to be supported primarily through the upstream and downstream boat launches (Draft SEIR Figure 2-2 illustrates the Gridley and Live Oak Park Boat Launch facilities upstream of the Proposed Project site; facilities downstream of the Proposed Project Site include Boyd’s Pump Boat Launch and Yuba City Boat Launch [Sutter County 2026a]), which include parking and boat launch facilities. Further, annual permits are required to park at and launch boats from boat launches in Sutter County (Sutter County 2026b).

Annual permitting and fees allow for regulation of the number of recreationists utilizing the Feather River for boating. There are no formal boat launch facilities located in the Project area along the Feather River in Yuba County (California State Parks 2026).

Because the Proposed Project does not include new boat launch or recreation access opportunities, and because existing boat launch locations are distributed along the Feather River, recreation use would remain distributed rather than concentrated in one area. Therefore, the Proposed Project would not significantly increase the use of existing recreational resources or facilities such that substantial physical deterioration would occur or be accelerated.

Comment 2-3

“1. Failure to address the public use rights (a) to use the Feather River and its banks for recreation; (b) to fish from and on the SEWD parcel; (c) to use public lands for access to public trust lands ‘so far as feasible’; (d) to have an opportunity to know the basis of the agency action and respond.”

“By way of introduction, I don’t understand why there is any question about providing public access to and from the right bank of the Feather River along the north and south margins of the Sutter Extension Water District Parcel (Sutter County APN 09-305-002). I have asked for pedestrian access from the west levee crown road (which is open for unrestricted un-motorized public use between Paseo Road to the north to the SEWD parcel), across the SEWD parcel to and from the river; and, a detour around the infrastructure to allow for continuous pedestrian travel along the river bank. As shown by many of the figures in the report (figures 2.3, 2.4, 2.8, 3.6-2b for example), the infrastructure for the project will occupy about half of the SEWD parcel. The other half will not be occupied and therefore will be subject to the public right to fish on state owned land; and, to public use for access to and use of the navigable Feather River.”

Response 2-3

Comment 2-3 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

No right of public access currently exists on SEWD’s property. Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

The impact analysis considers the Proposed Project’s potential impacts on public trust uses, such as recreation within the Feather River (see Draft SEIR Section 3.12, “Recreation”). As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the

existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River and the proposed removal of Sunset Weir would restore navigability of the Feather River.

In addition, the Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, “Project Purpose and Objectives,” and include accommodating passage of protected migratory fish species at Sunset Weir, and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Proposed Project purpose or objective. The impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12.

See also Comment Responses 1-2, 1-4, 1-5, 1-7, and 2-4 through 2-9.

Comment 2-4

“The Navigable Easement”

“The Feather River in this vicinity is navigable in both motorized and unmotorized small craft, and is therefore navigable and subject to the public right to engage in recreation on the river including on its temporarily dry beds and banks below ordinary high water mark (California v. Superior Court (Lyon) (1981) 29 Cal.3d 210; California v. Superior Court (Fogerty) (1981) 29 Cal.3d 240). This right is protected by the public trust (see footnote 17 of *Nat’l Audubon Society v. Superior Court* (1983) 33 Cal.3d 214, and includes the right to walk along the bank (Fogerty).”

Response 2-4

Comment 2-4 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

The Feather River is a navigable water and the public’s right to use California waterways is protected by both the United States and California Constitutions and reinforced through California statutes. In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet NAVD88), along with the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River. See also Comment Responses 1-1, 1-5, and 2-3.

Comment 2-5

“The Constitutional Right to Fish on State-owned Land:”

“The SEWD is a state agency and land held in its name is state-owned land. The public has a right to fish from and on state-owned land, excepting only that land being used for a governmental purpose incompatible with public fishing – for example a prison or a mental hospital (Section 25, article I, California Constitution; California v. San Luis Obispo Sportsman's Assn., 22 Cal. 3d 440, 584 P.2d 1088, 149 Cal. Rptr. 482, 1978 Cal. LEXIS 297, 9 ELR 20012; ‘California’s Constitutional Right to Fish,’ Coats and

Bork, Lewis & Clark Law School Environmental Law, Vol. 51 No. 4). Half of the SEWD parcel will not be used for a purpose incompatible with public fishing (see figures 2.3, 2.4, 2.8, 3.6-2b, 5a, for example) and so will remain open for public fishing (whether or not the SEWD board thinks this is a good idea)."

Response 2-5

Comment 2-5 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

SEWD's property is not currently open to public access or recreation, and access rights would not change with the Proposed Project compared to baseline conditions.

See also Comment Responses 1-1, 1-2, and 1-4.

Comment 2-6

"The Public Trust Doctrine's Prior Consideration, Avoiding Interference with Access, and in a Public Process, Requirement:"

"As a California public agency SEWD (and Department of Water Resources, Department of Fish and Wildlife, State Lands Commission and others) is also required, prior to making any decision that will affect the public trust, to consider the effect of the proposed decision on the public trust, avoiding so far as feasible any harm to the trust interest; and, to provide this consideration in a public manner facilitating public participation in the decision-making. Public access to and use of the navigable waters is at the historic core of the public trust doctrine (See footnote 17 of *National Audubon, supra*, 33 Cal.3d 419 at p. 441.)"

Response 2-6

Comment 2-6 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

SEWD's property is not currently open to public access or recreation, and access rights would not change with the Proposed Project. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

DWR, the CEQA lead agency for the Proposed Project, is a State agency, along with the California Department of Fish and Wildlife (CDFW) and California State Lands Commission, noted in the comment.

Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

The Draft SEIR was circulated for public review and comment from January 8 through February 23, 2026. DWR has complied with all noticing and public review requirements of CEQA (see Final SEIR Section 1.5, “Public Participation and Review”).

See also Comment Responses 1-1, 1-2, 1-3, 1-5, and 2-3.

Comment 2-7

“This consideration must be given in a public manner facilitating public participation:

There is no set ‘procedural matrix’ for determining state compliance with the public trust doctrine. (Citizens for East Shore Parks, supra, 202 Cal.App.4th at p. 576.) However, “[a]ny action which will adversely affect traditional public rights in trust lands is a matter of general public interest and should therefore be made only if there has been full consideration of the state’s public interest in the matter; such actions should not be taken in some fragmentary and publicly invisible way. Only with such a safeguard can there b[e] any assurance that the public interest will get adequate public attention.” [Citation.]’ (Zack’s, supra, 165 Cal.App.4th at pp. 1188–1189.)

San Francisco Baykeeper, Inc. v. State Lands Com. (2015) 242 Cal.App.4th 202 [194 Cal.Rptr.3d 880].”

Response 2-7

Comment 2-7 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

The impact analysis for the Proposed Project is included in Draft SEIR Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures.” The impact analysis considers the Proposed Project’s potential impacts on public trust uses, such as recreation within the Feather River (see Draft SEIR Section 3.12, “Recreation”). The Draft SEIR was circulated for public review and comment from January 8 through February 23, 2026. DWR has complied with all noticing and public review requirements of CEQA (see Final SEIR Section 1.5, “Public Participation and Review”).

See also Comment Responses 1-1, 1-5, 2-3 and 2-6.

Comment 2-8

“The report fails to disclose any of the facts considered or rationale applied to deciding to not provide access across the SEWD parcel to and from the river, and to not provide a route around the infrastructure to allow continuous travel along the river bank. Simply stating that “comments were considered” without disclosing the basis upon a decision is made does not meet the procedural requirements of the public trust doctrine, as it does not allow the public to know what was considered and to respond.”

“It is very difficult to see why we are even having this conversation, it being so apparent that the public has a great interest in access to and use of the river, that public agencies have obligations to protect the public’s interests in access and use; and, the public can be so easily accommodated.”

Response 2-8

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figure 2-4). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River.

See also Comment Responses 1-1, 1-2, 1-3, 1-4, and 1-5.

Comment 2-9

“REMOVAL OF THE WEIR LIKELY WILL SIGNIFICANTLY INCREASE THE RECREATIONAL USE OF THE FEATHER RIVER, ALLOWING BOATS TO TRAVEL THE LENGTH OF THE RIVER FROM OROVILLE/THERMALITO TO SAN FRANCISCO BAY.”

“The report says that removal of the weir will have little or no effect on recreational use of the Feather River, although it does acknowledge that the removal of the weir will permit travel by boat through the area now blocked by the weir.”

“Public access to the Feather River would not change with implementation of the Proposed Project. Under baseline conditions, SEWD lands are not open to public access or recreation, and this would not change with the Proposed Project. (Report 3.12-7).”

“This is obviously false. The weir prevents motorboat travel from south of the weir to the north, and from north of the weir to the south; and, requires a row-boat, canoe or kayak to shoot the weir, portage around the weir, or paddle back to where one came from, either upstream to Live Oak or downstream to Yuba City. The removal of the weir likely will result in a massive increase in public use of the Feather River between Live Oak and Yuba City, as well as use from Oroville/Thermalito to the Feather River’s mouth on the Sacramento and on the Sacramento River through the Delta to the Bay. The Feather River is warm and slow as compared to the Sacramento and the American, much more attractive and relatively safe for recreational kayak and canoe users as compared to the Sacramento and American.”

Response 2-9

Comment 2-9 asserts the Proposed Project would increase recreation use, similar to Comment 2-2, but does not indicate that an increase in recreational use would result in direct impairment, degradation, or elimination of recreational resources (Impact 3.12-1); alter or require construction of recreational facilities that could result in environmental impacts (Impact 3.12-2); or result in substantial physical deterioration of existing recreation resources (Impact 3.12-3).

See Comment Response 2-2.

Comment 2-10

“References to the Morse Road Unit of the Feather River Wildlife Area are misleading.”

“The Department of Fish and Wildlife does not disclose the existence of the Morse Road Unit of the Feather River Wildlife Area in its website material on the Feather River Wildlife Area. The Morse Road Unit does not appear on DFW’s map of the Feather River Wildlife Area. There are no signs on Live Oak Boulevard or on Morse Road indicating the route to the Morse Road Unit. Land owners and farmers in the vicinity accost potential visitors, saying that there is no public access to the Unit and that they will call the sheriff and have visitors arrested. The DFW staff advise the public that there is no acknowledged access to the Morse Road Unit (other than access from the river). The landowners have driven the holders of deer-hunting tags off the legally correct route, disputing the public ownership of the land under the levee.”

“When the Morse Road Unit lands were acquired, they were the northern most tip of larger ranch. Any implied right of access was over that ranch, over unimproved dirt roads. The unit was within about 300 feet of the public road right of way for Morse Road to the north [sic], but that 300 feet was privately owned land under the west bank levee. As a result, the owner of the fee was able to and did keep the public off the levee and away from the Unit, asserting that the Levee District had an easement to maintain a flood protection levee, but not for recreational use. Then, in about 2015 and in connection with the Feather River West Levee Improvement Project, the Sutter Butte Flood Control Agency acquired the fee interest in the land under the levee. After that the public should have convenient access to the Unit by driving from Live Oak Boulevard easterly along the Morse Road right-of-way to the toe of the levee, parking there and proceeding up the levee, then south about 300 feet, then down the wet side of the levee to the Morse Road Unit. However, the neighboring landowners and farmers still tell the public that there is no public access and that they will call the sheriff on any visitors. “No-trespassing” signs [sic] are posted on the levee ramp. Signs stating “no river access” are posted. DFW does nothing to protect public use. This is based on personal experience. I can have a copy of the deed from the landowner to the SBFCA in hand, and still be told I have no right to be there and that they are calling the sheriff. Very few potential users have a copy of that deed and are willing to run the risk of dealing with a sheriff while a landowner demands a citation.”

“Further, the western portion of this Unit is dense, practically impenetrable jungle without any open paths.”

“For these reasons it is as best misleading to suggest that the public has convenient access at Morse Road,”

Response 2-10

Draft SEIR Section 3.12, “Recreation,” page 3.12-2 mentions the Morse Road Unit in relation to the Feather River Wildlife Area that comprises eight separate wildlife management areas. This discussion occurs within the Environmental Setting section and provides an overview of existing recreational resources and areas with recreational opportunities in the Feather River region and within the Proposed Project site.

References to the Morse Road Unit are outlined in the Feather River Region Regional Flood Management Plan (California Department of Water Resources 2014). Additionally, CDFW regulations describe wildlife areas owned and operated by CDFW, which includes the Feather River Wildlife Area and a reference to Morse Road (14 California Code of Regulations [CCR] Section 551, subd. [b] [35] “Feather River Wildlife Area [Sutter and Yuba counties], including the Abbott Lake, Lake of the Woods, Marysville, Morse Road, Nelson Slough, O’Connor Lakes, Shanghai Bend, and Star Bend management units [Type C]”).

The text of the Draft SEIR on page 3.12-2 was clarified to state that not all units are necessarily accessible by all methods of travel, and that CDFW’s Feather River Wildlife Area website lists the following six units as public access lands: Abbot Lake, O’Connor Lakes, Star Bend, Nelson Slough, Lake of the Woods, and Shanghai Bend (California Department of Fish and Wildlife 2026) (see Final SEIR Chapter 2, “Revisions to the Draft SEIR”).

The remainder of Comment 2-10 discusses the commenter’s experience with CDFW staff, landowners, farmers, and the sheriff regarding attempts to access the Morse Road Unit. The comment includes references to no-trespassing signs and “no river access” signs. The comment expresses the commenter’s opinion that public access should be provided to the Morse Road Unit. These comments do not address the sufficiency of the Draft SEIR.

Letter 3 **Francis Coats**
Response January 13, 2026

Comment 3-1

“Today at 1:00 pm a SEWD employee and tenant asked me to not take pictures of the SEWD 1.5 acre parcel, Sutter County APN 009-305-002, involved in the Sunset Weir and Pumps Fish Passage Draft SEIR. He also stated that the parcel is privately owned and that the Sutter Butte Flood Control Agency levee is privately owned. I was deterred from entering the property to see what the riverbank looks like and take pictures, and that gets in the way of effectively commenting. This is my area of expertise. If almost anyone else had been told what I was told, they would believe it.”

“DWR and SEWD are both aware:

That the public has the right to fish on and from state-owned land and do those things necessary and convenient to enjoy the right, excepting only that land being used for a governmental purpose incompatible with public fishing;”

Response 3-1

Comment 3-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

No right of public access currently exists on SEWD’s property, and access rights would not change with the Proposed Project. As noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

See also Comment Responses 1-1, 1-4, 1-5, and 1-7.

Comment 3-2

“That the public has a right to be on the navigable Feather River and its bed and banks below ordinary annual highwater mark and there engage in recreational activity;”

Response 3-2

Comment 3-2 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

The Proposed Project would not affect the public’s right to use Feather River. Feather River is a navigable water and the public’s right to use California waterways is protected by both the United States and California Constitutions and reinforced through California statutes. In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet NAVD88), along with the existing approximate ordinary high

water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88).

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River, and the proposed removal of Sunset Weir would restore navigability of the Feather River.

See also Comment Responses 1-1 and 1-2.

Comment 3-3

“That a California public agency is obligated before making a decision that will affect a public trust interest to consider the effect of the decision on the public trust interest, avoiding so far as feasible any harm to the interest, and that this consideration must be given in a public manner facilitating public participation in the decision making.”

Response 3-3

Comment 3-3 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

DWR, the CEQA lead agency for the Proposed Project, is a State agency that manages California’s water resources, systems, and infrastructure. Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

DWR has complied with all noticing and public review requirements of CEQA (see Final SEIR Section 1.5, “Public Participation and Review”).

See also Comment Responses 1-1, 1-5 and 2-3.

Comment 3-4

“That SEWD is a state public agency and that land held in its name is state-owned land.”

“In the long run whether the state constitution applies (regardless of what SEWD says) will be a major issue in this process. For the moment SEWD is lying to the interested public and interfering with the process, creating risks for an otherwise popular project.”

“Attached are photographs of a privately owned pickup and stock trailer, apparently belonging to the SEWD tenant and employee who spoke to me, parked on the parcel, which indicates that SEWD should not have a problem with other members of the public parking on the parcel. This also tends to show that not all of the property is being used for a governmental purpose incompatible with public fishing - some of it is used by a private party for parking his truck and trailer.”

Response 3-4

Access rights would not change with the Proposed Project and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

The remainder of the comment expresses an opinion about SEWD and SEWD’s management of its property. However, this comment does not address the sufficiency of the Draft SEIR.

See also Comment Responses 1-4, 1-5, and 1-7.

Letter 4 **Alfred Kannely, Liberty Tractor, LLC**
Response January 14, 2026

Comment 4-1

“Thank you for taking my call and discussing the project with me the other day, I appreciate it and look forward to seeing a good fish passage project get completed. My comments are as follows:”

“Figure 2-3 Main Project Site - Existing Conditions and Facilities Overview This map, as well as others, don’t show accurate property lines. My property (the adjacent parcel to the north) was surveyed and the boundaries staked by DWR in May of 2025.”

Response 4-1

The parcel lines and assessor’s parcel numbers (APNs) on Figure 2-3 have been updated based on surveyed boundaries, as described in Final SEIR Chapter 2, “Revisions to the Draft SEIR,” and shown in Final SEIR **Appendix B**.

Comment 4-2

“‘Figure 2-4 On-Site Project Components’ in the ‘Keyed notes’ section items 3 and 4 appear to be mislabeled.”

Response 4-2

The labels associated with items 3 and 4 in the Keyed Notes section of Figure 2-4 were reversed and the label for the “Butte-Sutter Main Canal” has been changed to “Sutter-Butte Main Canal,” as described in Final SEIR Chapter 2, “Revisions to the Draft SEIR,” and shown in Final SEIR **Appendix B**.

Comment 4-3

“Figure 2-4 On-Site Project Components a staging area and installation of ‘HVF’ are shown on my property. No agreements have been made for this and I would like some assurance that no project activities will occur on my property.”

Response 4-3

A staging area for the Proposed Project is being considered on APN 09-305-004, as stated in the comment. While the footprint of the area needed for construction has been minimized since circulation of the Draft SEIR with the identification of an additional alternative staging area west of Levee Road (APN 10-015-004), as described in Final SEIR Chapter 2, “Revisions to the Draft SEIR,” and shown in Final SEIR **Appendix B**, approximately 0.2 acre on the parcel north of the SEWD main parcel would likely be needed for placement of rip rap and the pump discharge pipes during construction. Prior to project construction, DWR would coordinate with any landowners whose property is considered for staging or project activities to obtain a temporary construction easement (stated on Draft SEIR page 2-19).

Comment 4-4

“Also, I would like to know when the fencing, tank, etc. that belongs to the irrigation district will be removed from my property.”

Response 4-4

Comment 4-4 does not address the sufficiency of the Draft SEIR.

Comment 4-5

“Since my property is very close to the house can you please provide me with your plan to keep construction activities, personnel, fill dirt, etc. off of my property?”

Response 4-5

Prior to project construction, DWR will coordinate with any landowners whose property is considered for staging or project activities to obtain a temporary construction easement (stated on Draft SEIR page 2-19) prior to the start of project construction. See also Comment Response 4-3.

The Proposed Project would implement the Statewide Restoration General Order (SRGO, or Order) general protection measures (GPMs) 10 to 14 (i.e., GPM 10 to GPM-14), which outline required equipment maintenance and storage, material disposal, fugitive dust reduction, daily removal of trash, and project cleanup after completion of construction.

Comment 4-6

“The area described as ‘Left Bank Scour’ is currently providing really good off channel deep water habitat for many fish species. I dive there and often see sturgeon, salmon, steelhead, and pretty much most common species of fish. I know you have to dispose of the rock from the dam somewhere, but it would be really great if you just stabilized the bank and revegetated it where it is now and left as much of that off channel pool habitat intact.”

Response 4-6

While it is understood that the commenter has observed a variety of fish species in the left bank scour hole, this feature is an unnatural result of a partial failure of the Sunset Weir that occurred in 2019, an event that concentrated river flow and high velocities on the left bank of the Feather River. The area continues to erode and, without repair, further material erosion adjacent to the scour hole could occur. This would also cause environmental harm to fish and associated habitat by increasing sedimentation, reducing water depth, and removing overhead cover. Increased suspended sediments in the water column would have the potential to affect State and federally listed fish by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory functions. Increased suspended solids could also affect aquatic organisms by reducing dissolved oxygen levels and light transmission, and when the sediment in the suspended solids resettles, it could potentially smother aquatic habitats and organisms. Research with salmonids has shown that high-turbidity concentrations can reduce feeding efficiency, decrease food availability, reduce dissolved oxygen in the water column, result in reduced respiratory functions and tolerance to diseases, and cause fish mortality (Berg and Northcote 1985; Gregory and Northcote 1993; Velagic 1995; Waters 1995). In addition, reduction of riparian vegetation

reduces shade, leading to warmer water temperatures unsuitable to listed fish, and eliminates overhanging vegetation used by fish for protection against predators (Knight and Boyer 2007; Roni et al. 2014). Furthermore, warm, slow-moving habitats are particularly suitable for non-native fish species, such as striped bass, that are known to prey on native salmonids (Grossman 2016).

As noted in Draft SEIR Chapter 2, “Project Description,” the extent of rock placement for the bioengineered bank stabilization project element would be limited to the amount necessary to prevent scour from expected moderate to high flows. This carved-out area would not completely disappear with project implementation and would still provide habitat for fish at higher flows (e.g., it could serve as a high-velocity flow refugia for migrating, native fish).

Section 3.7.5 of the Draft SEIR describes potential impacts to listed fish and associated habitat from implementation of the Proposed Project, including effects of stabilizing the left bank scour. Potential impacts from stabilizing the left bank scour are physical disturbance to habitat, release and exposure of sediments and turbidity, disturbance of riparian vegetation, and release and exposure of construction-related contaminants. However, these impacts are expected to be temporary and would occur during the designated work window of July 15–September 30, when salmonids and sturgeon are not expected to be present within the Proposed Project site. Furthermore, it is expected that, upon completion of the Proposed Project, there would be an overall benefit to listed fish species because the quality and quantity of aquatic habitat would be increased.

Since its construction in 1920s, the 10-foot-tall Sunset Weir, consisting of unconsolidated boulders, has spanned the Feather River approximately 2 miles southeast of Live Oak in Sutter County. Section 3.7.3 of the Draft SEIR discusses the existing conditions and the conclusion by various hydrology studies that the Sunset Weir prevents passage for sturgeon at all passage flows and for salmon at all but the higher end of the flow range. With the Proposed Project, for the first time in over a century, removal of the Sunset Weir would provide native fish species with unimpeded access to 29 miles of upstream spawning habitat for salmon, steelhead, and sturgeon, including numerous pools and documented spawning habitat for green sturgeon in the reach from the Thermalito Afterbay Outlet pool upstream to the Fish Barrier Dam. In addition, any milling of adult salmon currently seen below Sunset Weir is an indication of delayed migration for salmon attempting to move upstream to spawning habitat. Such migratory delays can impact salmon spawning success by depleting limited energy reserves and forcing fish into more stressful temperature zones. Delays can cause rapid energy consumption, reducing reproductive output, increasing pre-spawn mortality, and hindering successful upstream migration. Therefore, removal of the Sunset Weir and restoration of 6 miles of riverine habitat would allow access to more and better quality habitat upstream, which would be a greater overall benefit to salmon, steelhead, and sturgeon in the future. It would also remove the risk of poaching in the area. Furthermore, as described above, stabilizing the left bank would increase water quality for listed fish species by reducing warm, low velocity habitat that attracts non-native predatory fish, reducing sedimentation and turbidity levels, providing overhead cover and shading, and serving as a high-velocity flow refuge for migrating fish.

Letter 5 Francis Coats
Response January 15, 2026

Comment 5-1

“The public has a present existing easement, a profit a prendre, to fish on the SEWD parcel, and to do those things necessary and convenient to enjoy the right to fish. SEWD may exclude the public from portions of the parcel being used for governmental purposes incompatible with public fishing (valve house, pump works, residence, P. G. & E. Encinal substation). Otherwise SEWD has no authority to exclude the fishing public.”

Response 5-1

Comment 5-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

As noted in prior comments, access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7.

Comment 5-2

“The draft report is misleading where it suggests that the SEWD does not permit public access, as SEWD has no authority to interfere with access under section. 25 article I of the state constitution.”

Response 5-2

The Draft SEIR describes existing recreational resources in Chapter 3.12, Section 3.12.2, which notes that there are no currently designated public recreational facilities on SEWD land on the Proposed Project site, which is closed to the public. Existing access rights would not change with the Proposed Project compared to baseline conditions. See also Responses 1-1 to 1-7 and 5-1.

Letter 6 **Francis Coats**
Response January 20, 2026

Comment 6-1

“Kevin: The Attached comment at the notice of preparation phase does not appear in the Draft SEIR.”

Response 6-1

DWR has identified that the topics identified in this comment letter were previously submitted during the NOP scoping process and has considered the issues raised in the Draft SEIR. In addition to the copy submitted with this comment, an additional copy was submitted as Comment 11. See also Comment Responses 11-2 through 11-4.

Comment 6-2

“Also, the Draft SEIR does not reflect any consideration of the effect of the proposed work on public access to and use of the Feather River including its banks; and does not reflect any consideration of the effect of the project on public use of the SEWD parcel for fishing including for parking and access to the river.”

Response 6-2

Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River, and would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River.

As stated in Comment Response 5-1, access rights would not change with the Proposed Project and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s

property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property compared to baseline conditions.

Comment 6-3

“The report indicates that SEWD does not permit public access to its lands. SEWD has no authority to close its land to public fishing except for when it is using the land for a governmental purpose incompatible with public fishing -for example a prison or a mental hospital.”

“If the SEWD is going to claim it is not obligated to accommodate fishing then it needs to discuss why fishing is incompatible with its use, in a public manner facilitating public discussion.”

Response 6-3

As noted in prior responses, Chapter 3.12 describes existing recreational resources, and SEWD does not permit public access to its land within the Proposed Project Site. Access rights on the SEWD parcel would not change with the Proposed Project compared to prior conditions.

DWR has complied with all noticing and public review requirements of CEQA (see Final SEIR Section 1.5, “Public Participation and Review”).

See also Comment Responses 1-1 to 1-7.

Comment 6-4

“Also the sponsors, SEWD and DWR, need to discuss before decision making in a public manner facilitating public participation, feasible alternatives to SEWD’s general prohibition on public use of its parcel for access to the river for fishing and other recreational purposes, and they need to avoid interfering with that use so far as feasible.”

Response 6-4

As noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. Access rights on the SEWD parcel would not change with the Proposed Project compared to baseline conditions, and the Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7.

Comment 6-5

“Also, a discussion of the extent to which the project, including a larger pump structure on the bank and difficult to walk on rip rap on the bank, impairs public use, and feasible mitigation for this impairment.”

Response 6-5

As stated in Comment Response 6-2, proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River, and would also include the replacement and

upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River.

Letter 7 **Francis Coats**
Response January 21, 2026

Comment 7-1

“Referring to figure 2.8 of the Report, it appears that there is over sixty feet of clearance between the pump wet well, pump discharge pad and retaining wall, to both the northerly and southerly SRWD property lines, providing ample room for public access to the river.”

“The westerly retaining wall of the pump wet well and discharge pad structure is about [sic] 30 feet east of the residence, again leaving ample room for pedestrian travel to the river bank north of the pump related infrastructure.”

“West of the retaining wall is a large open grassy lawn which appears compatible with pedestrian access to the river.”

“The drawing shows a large area of rip rap along the riverbank north and south of the pump wet well, which feasibly could be treated to be convenient for walking - perhaps filling interstices with gravel.”

Response 7-1

Comment 7-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

The public has the right to access any navigable waters between the bed of the water up to the ordinary high water mark. In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet NAVD88), along with the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88). Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities and boats cannot pass across the weir (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4), and the proposed project improves navigation by allowing unimpeded passage. Any rip rap proposed for placement above the ordinary high water mark by the replaced and upgraded Sunset Pump Station would be located on SEWD property.

Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7.

Comment 7-2

“If a member the public can get to the river bank below ordinary annual high-water mark then the person can walk along the bank for as far as they can or are willing to walk to enjoy the river. Access across the SEWD parcel to and from the river is very important to making the river accessible.”

Response 7-2

Comment 7-2 does not address the sufficiency of the Draft SEIR. See Comment Responses 1-1 to 1-7, 2-3, and 7-1.

Letter 8 Brandy Chaffin
Response January 23, 2026

Comment 8-1

“Good afternoon Mr. Marr. It was brought to my attention of the possibility of the Passage Project altering the outstanding fishing spot that is described as the “Left Bank Scour” in your EIR. This has been an important habitat for many fish species that have thrived in this location for many years. I have been diving this area for a great number of those years and think it’s one of the most essential to maintain. If there is any way that you can just stabilize the bank without filling the hole, it would be much appreciated.”

Response 8-1

Section 3.7.5 of the Draft SEIR describes potential impacts to State and federally listed fish and associated habitat from implementation of the Proposed Project, including effects of stabilizing the left bank scour. Potential impacts from stabilizing the left bank scour are physical disturbance to habitat release and exposure of sediments and turbidity disturbance of riparian vegetation and release and exposure of construction-related contaminants. However, these impacts are expected to be temporary and would occur during the designated work window of July 15–September 30, when salmonids and sturgeon are not expected to be present within the Proposed Project site. Furthermore, it is expected that upon completion of the Proposed Project, there would be an overall benefit to listed fish species, as the quality and quantity of aquatic habitat would be increased.

The left bank scour hole feature is an unnatural result of a partial failure of the Sunset Weir that occurred in 2019, an event that concentrated river flow and high velocities on the left bank of the Feather River. The area continues to erode and, without repair, further material erosion adjacent to the scour hole could occur. This would also cause environmental harm to fish and associated habitat by increasing sedimentation, reducing water depth, and removing overhead cover. Increased suspended sediments in the water column would have the potential to affect listed fish by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory functions. Increased suspended solids could also affect aquatic organisms by reducing dissolved oxygen levels and light transmission, and when the sediment in the suspended solids resettles, it could potentially smother aquatic habitats and organisms. Research with salmonids has shown that high-turbidity concentrations can reduce feeding efficiency, decrease food availability, reduce dissolved oxygen in the water column, result in reduced respiratory functions and tolerance to diseases, and cause fish mortality (Berg and Northcote 1985; Gregory and Northcote 1993; Velagic 1995; Waters 1995). In addition, reduction of riparian vegetation reduces shade, leading to warmer water temperatures unsuitable to listed fish, and eliminates overhanging vegetation used by fish for protection against predators (Knight and Boyer 2007; Roni et al. 2014). Furthermore, warm, slow-moving habitats are particularly suitable for non-native fish species, such as striped bass, that are known to prey on native salmonids (Grossman 2016).

As noted in Draft SEIR Chapter 2, “Project Description,” the extent of rock placement for the bioengineered bank stabilization project element would be limited to the amount necessary to prevent

scour from expected moderate to high flows. This carved-out area would not completely disappear with project implementation and would still provide habitat for fish at higher flows (e.g., it could serve as a high-velocity flow refugia for migrating, native fish). In addition, stabilizing the left bank would increase water quality for listed fish species by reducing warm, low velocity habitat that attracts non-native predatory fish, reducing sedimentation and turbidity levels, providing overhead cover and shading, and serving as a high-velocity flow refuge for migrating fish.

Since its construction in 1920s, the 10-foot-tall Sunset Weir, consisting of unconsolidated boulders, has spanned the Feather River approximately 2 miles southeast of Live Oak in Sutter County. Section 3.7.3 of the Draft SEIR discusses the existing conditions and the conclusion by various hydrology studies that the Sunset Weir prevents passage for sturgeon at all passage flows and for salmon at all but the higher end of the flow range. With the Proposed Project, for the first time in over a century, removal of the Sunset Weir would provide native fish species with unimpeded access to 29 miles of upstream spawning habitat for salmon, steelhead, and sturgeon, including numerous pools and documented spawning habitat for green sturgeon from the Thermalito Afterbay Outlet pool upstream to the Fish Barrier Dam.

See also Comment Response 4-6.

Letter 9 **Francis Coats**
Response **January 26, 2026**

Comment 9-1

“Alternative river access at the Morse Road Unit of the Feather River Wildlife Area; protecting walkability of the bank; compatible use, feasible use.”

“The Draft SEIR indicates that there is public access to the right bank of the Feather River 2 miles south of the project site.”

“After four calls over the last week I was finally able to speak to George Harse, biologist/manager of the Feather River Wildlife Area on behalf of the Department of Fish and Wildlife.”

“He was previously not aware of the existence of the Morse Road Unit of the Feather River Wildlife area, on the right or west bank of the river about 2 miles south of the project area. He said that he suspected there was no surface public access because the DFW did not disclose the existence of the unit on its website and did not show it on its map of the Feather River Wildlife Area.”

“I would add that there are no signs indicating the presence of the wildlife area unit on Live Oak Boulevard or on Morse Road, and no signs directing the public to the unit.”

“Further, the neighboring land-owners and operators post ‘no-trespassing’ and ‘no river access’ signs, and accost visitors, telling them that there is no access and threatening to call the sheriff (my personal experience).”

“Further, access across the wildlife area is obstructed by dense jungle along the northerly part of its eastern line.”

“In a technical sense there is legal access from Live Oak Boulevard and along the Morse Road county road right-of-way to the levee; then along the Sutter Butte Flood Control Agency right of way southerly to the Morse Road Unit; but information concerning this route is not made available to the public in a useable form (see deed from Morse to Sutter County dated July 14, 1926, recorded October 19, 1926 at book 87 page 253; deed from Filters to Sutter Butte Flood Control Agency, dated July 16, 2013, recorded October 22, 2013 at 2013-0017098).”

Response 9-1

Draft SEIR Section 3.12, “Recreation,” page 3.12-2 mentions the Morse Road Unit in relation to the Feather River Wildlife Area that comprises eight separate wildlife management areas. This discussion occurs within the Environmental Setting section that provides an overview of existing recreational resources and areas with recreational opportunities in the Feather River region and within the Proposed Project site.

References to the Morse Road Unit are outlined in the Feather River Region Regional Flood Management Plan (California Department of Water Resources 2014). Additionally, CDFW regulations describe wildlife areas owned and operated by CDFW, which includes the Feather River Wildlife Area and a reference to Morse Road (14 CCR Section 551, subd. [b] [35] “Feather River Wildlife Area [Sutter and Yuba counties], including the Abbott Lake, Lake of the Woods, Marysville, Morse Road, Nelson Slough, O’Connor Lakes, Shanghai Bend, and Star Bend management units [Type C]”).

The text of the Draft SEIR was clarified to state that not all units are necessarily accessible by all methods of travel, and that CDFW’s Feather River Wildlife Area website lists the following six units as public access lands: Abbot Lake, O’Connor Lakes, Star Bend, Nelson Slough, Lake of the Woods, and Shanghai Bend (California Department of Fish and Wildlife 2026) (see Final SEIR Chapter 2, “Revisions to the Draft SEIR”).

See also Comment Response 2-10.

Comment 9-2

“The SEIR is quite misleading in suggesting that access at the Sunset Weir site and across the SEWD parcel is unnecessary because of the presence of a unit of the Feather River Wildlife Area 2 miles to the south.”

Response 9-2

The Draft SEIR does not suggest that “access at the Sunset Weir site and across the SEWD parcel is unnecessary because of the presence of a unit of the Feather River Wildlife Area 2 miles to the south.” See Comment Response 9-1. Page 3.12-8 in Section 3.12, “Recreation,” of the Draft SEIR states that public shoreline access, such as those available as part of the Feather River Wildlife Area, would be unaffected both during and after Project construction. These areas would not be affected by the Proposed Project and no change to their accessibility would occur.

Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

Comment 9-3

“Also: The bank contouring and bank erosion rip-rap work will interfere with public travel along the banks of the river. I would request that the contouring and bank erosion work be done so as to facilitate public walking along, and fishing along, the bank. Possibly covering the rip-rap with gravel to create a more even walkable surface would help. The pump works themselves will necessarily obstruct travel along the bank. I request that a pedestrian detour around the new pump works be provided to mitigate the obstruction of the pump works.”

Response 9-3

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and

opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4). Furthermore, the presence of the Sunset Weir generally prevents access to the full length of the Feather River, and the proposed removal of Sunset Weir would restore navigability of the Feather River.

The Proposed Project would not change the public's ability to access the Feather River. Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, "Project Description," and in Section 3.12, "Recreation," SEWD's property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7.

Comment 9-4

"Also, not that the SEWD and DWR are California Public agencies subject to an affirmative obligation to protect public trust rights under the public trust doctrine, including both access to the Feather River as a navigable public trust land; and, opportunities to fish in the Feather River from and on the state-owned SEWD parcel. In that light I would ask that they assure that the work to be done does not harm or foreclose opportunities for public access between the levee crown road and the river both upstream and downstream from the proposed pump works. At this time Figure 2-8 of the SEIR clearly shows about 70 feet of clearance between the pump works and both north and south parcel lines. The parcel already accommodates a residence along its northerly line and a derelict chicken coop along its southerly line. There is no indication that public fishing is incompatible with the use of the property for the pump works and valve house. There is no indication at providing public access to the river is not feasible."

"As public fishing from and on the SEWD parcel may be compatible with its use for a pumping plant and valve house; and, allowing public access across the parcel for public access to the river may be feasible, please make sure no design changes from what has been disclosed and which would foreclose such use be adopted."

Response 9-4

Comment 9-4 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

Access rights under the Proposed Project would not change compared to baseline conditions, as SEWD's property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7, and 9-3.

Letter 10 **Chris Saxl**
Response February 3, 2026

Comment 10-1

“The area described as ‘Left Bank Scour’ is currently providing really good off channel deep water habitat for many fish species. I dive there and see sturgeon, salmon, steelhead, and pretty much most common species of fish.”

“You’ll have to dispose of the rock from the dam somewhere, but it would be really great if you just stabilized the bank and revegetated it where it is now and left as much of that off channel pool habitat intact.”

Response 10-1

Section 3.7.5 of the Draft SEIR describes potential impacts to State and federally listed fish and associated habitat from implementation of the Proposed Project, including effects of stabilizing the left bank scour. Potential impacts from stabilizing the left bank scour are physical disturbance to habitat, release and exposure of sediments and turbidity, disturbance of riparian vegetation, and release and exposure of construction-related contaminants. However, these impacts are expected to be temporary and would occur during the designated work window of July 15–September 30, when salmonids and sturgeon are not expected to be present within the Proposed Project site. Furthermore, it is expected that upon completion of the Proposed Project, there would be an overall benefit to listed fish species, as the quality and quantity of aquatic habitat would be increased.

While it is understood that the commenter has observed a variety of fish species in the left bank scour hole, this feature is an unnatural result of a partial failure of the Sunset Weir that occurred in 2019, an event that concentrated river flow and high velocities on the left bank of the Feather River. The area continues to erode and, without repair, further material erosion adjacent to the scour hole could occur. This would also cause environmental harm to fish and associated habitat by increasing sedimentation, reducing water depth, and removing overhead cover. Furthermore, warm, slow-moving habitats are particularly suitable for non-native fish species, such as striped bass, that are known to prey on native salmonids (Grossman 2016).

As noted in Draft SEIR Chapter 2, “Project Description,” the extent of rock placement for the bioengineered bank stabilization project element would be limited to the amount necessary to prevent scour from expected moderate to high flows. This carved-out area would not completely disappear with project implementation and would still provide habitat for fish at higher flows (e.g., it could serve as a high-velocity flow refugia for migrating, native fish).

Since its construction in 1920s, the 10-foot-tall Sunset Weir, consisting of unconsolidated boulders, has spanned the Feather River approximately 2 miles southeast of Live Oak in Sutter County. Section 3.7.3 of the Draft SEIR discusses the existing conditions and the conclusion by various hydrology studies that the Sunset Weir prevents passage for sturgeon at all passage flows and for salmon at all but the higher end of the flow range. With the Proposed Project, for the first time in over a century, removal of the Sunset

Weir would provide native fish species with unimpeded access to 29 miles of upstream spawning habitat for salmon, steelhead, and sturgeon, including numerous pools and documented spawning habitat for green sturgeon in the reach from the Thermalito Afterbay Outlet pool upstream to the Fish Barrier Dam. In addition, any milling of adult salmon currently seen below Sunset Weir is an indication of delayed migration for salmon attempting to move upstream to spawning habitat. Such migratory delays can impact salmon spawning success by depleting limited energy reserves and forcing fish into more stressful temperature zones. Delays can cause rapid energy consumption, reducing reproductive output, increasing pre-spawn mortality, and hindering successful upstream migration. Therefore, removal of the Sunset Weir and restoration of 6 miles of riverine habitat would allow access to more and better quality habitat upstream, which would be a greater overall benefit to salmon, steelhead, and sturgeon in the future. It would also remove the risk of poaching in the area. Furthermore, stabilizing the left bank would increase water quality for listed fish species by reducing warm, low velocity habitat that attracts non-native predatory fish, reducing sedimentation and turbidity levels, providing overhead cover and shading, and serving as a high-velocity flow refuge for migrating fish.

See also Comment Responses 4-6 and 8-1.

Letter 11 **David Neubert**
Response February 4, 2026

Comment 11-1

“Kevin,

Can you please make sure the comments I emailed to you on 8 August 2024 regarding the Sunset Weir Fish Passage & Pump Project are included in the public record. It appears that my comments were omitted from the DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT. Please see a copy of my original email and comments below.”

Response 11-1

The comment is noted and is included in the Final SEIR. There is no record of the comment being received during the NOP scoping process; however, the topics raised in the letter were considered when preparing the Draft SEIR.

Comment 11-2

“Kevin,

Below, please find my comments on the proposed Sunset Weir Fish Passage and Pump project.”

“For many years the Sunset Weir pumping plant and associated infrastructure has imposed a high environmental cost on the aquatic ecosystem as well as on the general public's ability to access the river for fishing, hunting, birding, kayaking and canoeing, etc. The Sunset Weir complex has historically disrupted river navigation in a way that stopped all boat traffic between the Live Oak Boat Ramp (1100 Pennington Road) and The Yuba City Boat Ramp, (80 Second Street).”

Response 11-2

Comment 11-2 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to this comment.

Since its construction in 1920s, the 10-foot-tall Sunset Weir, consisting of unconsolidated boulders, has spanned the Feather River approximately 2 miles southeast of Live Oak in Sutter County. With the Proposed Project, for the first time in over a century, removal of the Sunset Weir would provide native fish species with unimpeded access to 29 miles of the Feather River upstream of the Sunset Weir. In addition, removal of the Sunset Weir would also improve long-term navigability of the Feather River.

The Draft SEIR addresses the Proposed Project’s potential impacts to recreation in Section 3.12, “Recreation.” No right of public access currently exists on SEWD’s property, and access rights under the Proposed Project would not change compared to baseline conditions.

See also Comment Responses 1-1 to 1-7.

Comment 11-3

“As part of the Sunset project’s overall development, I hope that state and local officials, as well as the agricultural community that benefits from this water taken from the river, will support the following mitigation activities:

- Develop a public access point to the river via Paseo Road
- Install a day-use parking area near the river access point which is available for use by the general public
- Create a non-motorized, small-craft, boat ramp near the parking lot for put-in and takeout of kayaks and canoes”

Response 11-3

The activities requested by the commenter are noted. No access point, parking, or boat ramp are proposed with the Proposed Project. The Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, “Project Purpose and Objectives,” and include accommodating passage of protected migratory fish species at Sunset Weir and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Proposed Project purpose or objective.

The impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12, “Recreation.” Existing access rights would not change with the Proposed Project compared to baseline conditions. Furthermore, removal of the Sunset Weir would improve long-term navigability of the Feather River. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2). No additional mitigation is required for impacts that are less than significant.

Comment 11-4

- “Restore habitat on the river bank to create a shaded riparian aquatic (SRA) environment
- Restore habitat between the river and levee and mitigate ‘on-site’ or near the project site for acres lost to pumping plant, water control structures, canals and related infrastructure”

Response 11-4

The activities requested by the commenter are noted.

The impacts of the Proposed Project on biological resources (terrestrial and aquatic) are discussed in Draft SEIR Sections 3.6 and 3.7, respectively. Minimal riparian vegetation near the SEWD residence and existing pump intakes (i.e., areas already disturbed to some degree) is proposed for removal on the right bank of the Feather River, and vegetation planting is not specifically proposed for the Pump Station,

except seeding between the intake structure and the shore as needed to prevent erosion. The thick riparian areas on the right bank are generally being avoided and/or protected in place. The bioengineered left bank stabilization project element, as described in Draft SEIR Chapter 2, "Project Description," would include vegetated rock slope protection, willow plantings, and revegetation of the bank above these areas with native plants and elderberry seedlings.

The Draft SEIR impact analysis for terrestrial biological resources (Impacts 3.6-1 through 3.6-3 and Impact 3.6-5), including riparian habitat, determined the nature and significance of each impact before and after the incorporation of applicable general protection measures and species protection measures identified in the SRGO Final Program EIR. The Draft SEIR concluded that potential impacts to terrestrial biological resources would be less than significant after incorporation of the applicable SRGO Final Program EIR general and species protection measures.

Comment 11-5

"Currently there is no designated location on the Lower Feather River where kayaks and canoes can be safely launched upstream and pulled out downstream on public land. By installing a simple, low cost, sloped gravel ramp at the Sunset project site, over 20 miles of river will be opened up for non-motorized boat use. Launching from the public ramp in Gridley and takeout at Sunset is about a 10 mile float. And, launching from Sunset with a Yuba City takeout is also about a 10 mile float. These are perfect distances for a half day paddle."

"Today, non-motorized boats effectively cannot access "through floats" on the Feather River. Boat ramps on the Lower Feather all required put-in and takeout at the same location due to navigation blocks such as the Sunset Weir and the Shanghai Bend rapids. Other ramps are located far away from bridges, making it impractical to launch on the left bank and takeout on the right bank. Or, the ramps located on the same bank are located far apart (for example, the 26+ miles between the Starr Bend ramp in Yuba County and the Elkhorn ramp located under the 1-5 bridge). Installing a non-motorized ramp at Sunset is a unique opportunity to create low cost, safe, sustainable, recreational infrastructure in a community that has historically suffered from lack of investment by the State for river access projects."

Response 11-5

The comment is noted. No boat ramp is proposed with the Proposed Project, and existing access rights would not change as a result of the Proposed Project. As noted on Draft SEIR page 3.12-1, the closest designated public access point to the Sunset Weir and Pump Station is the Live Oak Recreational Boat Launch, approximately 1.75 miles upstream of the weir.

See also Comment Response 11-3.

Letter 12 **Eric Hess**
Response CEQA Public Meeting Verbal Comment, February 5, 2026

Comment 12-1

Eric Hess: “The, the technical aspects seem, exciting. I’m looking forward to this. I didn’t realize that thing had been in there for 100 years. And so, didn’t you used to work there?”

Lynn Phillips: “Me?”

Eric Hess: “You.”

Lynn Phillips: “I still work there.”

Eric Hess: “You still work there. I thought I was, granted access with my canoe right below the weir for a recreational, point of view, that’s what I’m actually really looking forward to, is being able to canoe, use that waterway from Live Oak to Yuba City. We tried portaging around the weir, two summers ago, and it was a hairy experience. I don’t recommend doing that to anyone with anybody. But, if that is going to be mitigated, then I am totally for that, as long as the farmers can still get their water, which it looks to me like the technical aspects got that covered. So, yeah, that’s why I’m here from a recreational point of view. I enjoy that access, and I thank you for allowing that to happen. So that’s all I had to say.”

Response 12-1

This comment is noted. The Proposed Project would allow for unobstructed navigation of the Feather River with the removal of the Sunset Weir.

**Letter 13
Response****Francis Coats**CEQA Public Meeting Verbal Comment, February 5, 2026

Comment 13-1

“Thank you. Francis Coates, I’m not with an organization. The...The Sutter Extension Water District has flat refused to discuss mitigation if it involves crossing their land. So I think they’re putting this whole process at risk because if you come and you say it would be a good idea, since you’re blocking public travel along the bank of the river below high watermark, then why don’t you let us walk around your pump station, so we can get up and down the river? And the response four times in Chapter 3.12 is, we don’t let people on the property.”

“Now, so, you know, they're just flat refusing to parti... the District is refusing to participate in the CEQA process. They give no explanation of why they’re not, they’re not doing this. They just say they’re not allowing.”

Response 13-1

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River, and the proposed removal of Sunset Weir would restore navigability of the Feather River.

Access rights would not change with the Proposed Project compared to baseline conditions, and as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir in the Feather River, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization. See Draft SEIR Chapter 2, “Project Description,” for the full list of activities associated with the Proposed Project); the impact analysis for the Proposed Project is included in Draft SEIR Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures.”

See also Comment Responses 1-1 to 1-7.

Comment 13-2

“Also, this is kind of silly, because the public, of course, already has the right to be on the bank of the river on their property or off the property. The public... they’re a state agency. The public already has a right to be on their property to fish and the only exception is if they’re using a property for a purpose incompatible with fishing. And if you had a drawing up there of the property, you’ll see that we’ll say there’s 70 feet or so between the pump station, as proposed, and the property line on either side.”

“There’s a lot of room to allow the public to cross that land from the levee to get to the water. Or to walk around the pump station to get up and down the riverbank, which they’re obstructing with their pump station.”

Response 13-2

Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7, and 13-1.

Comment 13-3

“Another thing I wanted to mention is the reference to Morse Road Wildlife Area. If you call... I have... I sent you... sent you guys, the State Department of Fish and Wildlife says there’s no vehicle, no surface land access to the Morse Road Wildlife Area. So, according to them, you don’t have access to the river between Live Oak, and Yuba City at Highway 20.”

“Now, they’re wrong, but that’s what they’re telling the public. And also, if you go there, the neighboring landowners will threaten to call the sheriff on you. So...”

Response 13-3

Draft SEIR Section 3.12, “Recreation,” page 3.12-2 mentions the Morse Road Unit in relation to the Feather River Wildlife Area that comprises eight separate wildlife management areas. This discussion occurs within the Environmental Setting section that provides an overview of existing recreational resources and areas with recreational opportunities in the Feather River region and within the Proposed Project site.

References to the Morse Road Unit are outlined in the Feather River Region Regional Flood Management Plan (California Department of Water Resources 2014). Additionally, regulations describe wildlife areas owned and operated by CDFW, which includes the Feather River Wildlife Area and a reference to Morse Road (14 CCR Section 551, subd. [b] [35] “Feather River Wildlife Area [Sutter and Yuba counties], including the Abbott Lake, Lake of the Woods, Marysville, Morse Road, Nelson Slough, O’Connor Lakes, Shanghai Bend, and Star Bend management units [Type C]”).

The text of the Draft SEIR was clarified to state that not all units are necessarily accessible by all methods of travel, and that CDFW’s Feather River Wildlife Area website lists the following six units as public

access lands: Abbot Lake, O'Connor Lakes, Star Bend, Nelson Slough, Lake of the Woods, and Shanghai Bend (California Department of Fish and Wildlife 2026) (see Final SEIR Chapter 2, "Revisions to the Draft SEIR").

See also Comment Responses 2-10 and 9-1.

Comment 13-4

"Okay, okay, we've got a few seconds. We've got a public right to fish. I mentioned that, the Constitution. It seems silly of the District to be unwilling to discuss mitigation at all given that there are these existing rights to be on the land anyway. I mean, they don't want to discuss them, then tomorrow morning, I drive out there and say, interesting, no trespassing sign you have there. And ignore them."

Response 13-4

The Draft SEIR addresses the Proposed Project's potential impacts to recreation in Section 3.12, Recreation." As noted in this section, public access to the Feather River would not change with implementation of the Proposed Project compared to baseline conditions. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2).

See also Comment Responses 1-1 to 1-7, and 13-2.

Letter 14 **David Neubert**
Response CEQA Public Meeting Verbal Comment, February 5, 2026

Comment 14-1

“Thank you. Well, first, I just want to start out by saying that I do support the project, and it’s really my attitude on it is, it’s about time. The fish passage component of it is really important. I’ll be very happy to see that weir come down. And like others in the room, my primary reason for being here is because that weir has been an obstruction to recreation for decades. And I’d like to see it taken out. It’s... and then I would also like to see public access at that point, somewhere upstream, probably downstream of the pump house, for, non-motorized boat access, so we can put our kayaks and canoes there. If you have to kayak from Gridley to Yuba City, that’s a 20-mile run, and you have to navigate around this... well, right now, you have to navigate around the weir, you have to portage. Yeah, which is practically impossible. Well, that’ll be out. But a 20-mile run is really, for most people, they won’t... they can’t do that. So this sits right in the middle of that 20-mile section. So it opens up the perfect length run from Gridley down to Sunset and then from Sunset, put in, and you could do another 10 miles down to Yuba City. So if we want, really, multi-benefit projects, like DWR likes to talk about, then they need to include this in their... in their program. And so, I’d like to see access, I would like to see some clear parking areas, so we don’t have conflicts with local, landowners.”

Response 14-1

The Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, “Project Purpose and Objectives” and include accommodating passage of protected migratory fish species at Sunset Weir, and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Proposed Project purpose or objective.

The impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12, Recreation.” As noted on Draft SEIR page 3.12-1, the closest designated public access point to the Sunset Weir and Pump Station is the Live Oak Recreational Boat Launch, approximately 1.75 miles upstream of the weir. Furthermore, public access to the Feather River would not change with implementation of the Proposed Project compared to baseline conditions. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2.)

See also Comment Responses 1-2, 1-4, and 1-5.

Comment 14-2

“As mentioned, the Morse Road Wildlife Area is one of those conflict areas. The local landowners out there and threaten you if you try to even access that property. So, you know. Saying that Morse Road has some sort of mitigation benefit to this project in terms of public access recreation is not true.”

Response 14-2

The Draft SEIR does not state that the Morse Road Unit in the in the Feather River Wildlife Area provides a mitigation benefit to the Proposed Project. Page 3.12-8 in Section 3.12, “Recreation,” of the Draft SEIR states that existing public shoreline access, such as those available as part of the Feather River Wildlife Area, would be unaffected both during and after project construction. These areas would not be affected by the Proposed Project and no change to their accessibility would occur as a result of the Proposed Project.

See also Comment Responses 2-10 and 14-1.

Comment 14-3

“And, the other thing, so I think that covers the, access points, and that’s really what I’m emphasizing here. But the other thing is, I want to see some shaded riparian bank restoration mitigation for salmonids. If...that, you know, to make sure that that gets worked in. You guys are doing riprap, riprap, and you know, I understand you need to protect the pumps, and that’s just part of the business of doing a pump plant there. But, to offset the environmental damage that that’s creating, I, I’d like to see the SRA put in.”

“That’s all. I yield my final 5 seconds.”

Response 14-3

The impacts of the Proposed Project on biological resources (terrestrial and aquatic) are discussed in Draft SEIR Sections 3.6 and 3.7, respectively. Minimal riparian vegetation near the SEWD residence and existing pump intakes (i.e., areas already disturbed to some degree) is proposed for removal on the right bank of the Feather River and vegetation planting is not specifically proposed for the Pump Station, except seeding between the intake structure and the shore as needed to prevent erosion. The thick riparian areas on the right bank are generally being avoided and/or protected in place. The bioengineered left bank stabilization project element, as described in Draft SEIR Chapter 2, “Project Description,” would include vegetated rock slope protection, willow plantings, and revegetation of the bank above these areas with native plants and elderberry seedlings.

The Draft SEIR impact analysis for terrestrial biological resources (Impacts 3.6-1 through 3.6-3 and Impact 3.6-5), including riparian habitat, determined the nature and significance of each impact before and after the incorporation of applicable general protection measures and species protection measures identified in the SRGO Final Program EIR. The Draft SEIR concluded that potential impacts to terrestrial biological resources would be less than significant after incorporation of the applicable SRGO Final Program EIR general and species protection measures.

See also Comment Response 11-4.

**Letter 15
Response****Dale Whitmore**CEQA Public Meeting Verbal Comment, February 5, 2026

Comment 15-1

“Thank you very much. And...I go along with all the previous speakers, the public access element on this property is, to me, is very important. Our communities have been way behind for decades. We’re trying to get access to our rivers. And this piece of property here could provide fishing and kayaking access to the river. It’s glad to see that this project is going through to clear the river of all these rocks and but yet, make sure that the farmers have got the water. And it looks like it’s got a design that hopefully will work, but if it doesn’t work, I’m sure somebody will come up with a way to fix it. But we’re moving ahead and trying to get public access or foot traffic onto this parcel so people can go fishing and put in their kayaks. And with that, that’s all I’ve got to say. I do have a letter I wanted to submit.”

Response 15-1

Comment 15-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

The Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, Project Purpose and Objectives” and include accommodating passage of protected migratory fish species at Sunset Weir, and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Proposed Project purpose or objective.

Existing access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-4, 1-5, and 1-7.

The letter submitted at the public meeting is responded to in Comment Responses to Letter 17 below.

Letter 16 **Eric Hess**
Response February 5, 2026

Comment 16-1

“In favor of the easier access to the river from (downstream) of H.O. to Y.C.”

Response 16-1

This comment is noted. While comment 16-1 does not address the sufficiency of the Draft SEIR, DWR has provided the following information in response to this comment.

The Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, “Project Purpose and Objectives” and include accommodating passage of protected migratory fish species at Sunset Weir, and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Proposed Project purpose or objective.

The impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12, “Recreation.” As noted in this section, public access to the Feather River would not change with implementation of the Proposed Project compared to baseline conditions. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2).

See also Comment Responses 1-2, 1-4, and 1-5.

Letter 17 **Dale Whitmore**
Response February 5, 2026

Comment 17-1

“This project involves the removal of a low dam, or weir, across the Feather River near Paseo Road between Yuba City and Live Oak, together with removing and replacing fish screen, pumping plant and pipelines to move water from the Feather River into the Sutter Extension Water Districts Canal, and bank re-grading and bank stabilization. The pumps and pipelines are on an approximately 1 acre parcel on the right bank of the Feather River held in the name of the Sutter Extension Water district, a public agency of the State of California. The anticipated work will foreseeably affect the public’s ability to access and use the Feather River (a navigable river) and its temporarily dry bed and banks below ordinarily high water mark, and lands subject to flooding in an ordinary year from the overflow of the Feather River; and foreseeably will affect the public's ability to fish from and on the state-owned on the right of west bank of the Feather River where the pumping plant and pipelines will be located.”

Response 17-1

Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet NAVD88), along with the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River. The Proposed Project would also include the replacement and upgrade of the Sunset Pump Station to operate at a lower surface water elevation without the weir, installation of new fish screens, and left bank stabilization.

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River and the proposed removal of Sunset Weir would restore navigability of the Feather River.

See also Comment Responses 1-2 and 1-4.

Comment 17-2

“The Sutter Extension Water District’s Sunset Weir and Pump Station property could, and legally should, provide the public with opportunities to fish in the Feather River from and on the state-owned SEWD parcel. As you have stated, the closest designated public access point to the Sunset Weir and Pump Station is the Live Oak Recreational Boat Launch, approximately 1.75 miles upstream of the weir.”

“As described in the attached Jan 26, 2026 email from Francis Coats to Kevin Marr, the next closest public land is the Morse Road Unit of the Feather River Wildlife Area located about 2 miles downstream of the weir. There is no advertised public access to this property. The next river access is the Feather River Parkway public access in Yuba City, about 7 miles south of the weir.”

Response 17-2

Comment 17-2 does not address the sufficiency of the Draft SEIR.

Draft SEIR Section 3.12, “Recreation,” page 3.12-2 mentions the Morse Road Unit in relation to the Feather River Wildlife Area that comprises eight separate wildlife management areas. This discussion occurs within the Environmental Setting section that provides an overview of existing recreational resources and areas with recreational opportunities in the Feather River region and within the Proposed Project site.

References to the Morse Road Unit are outlined in the Feather River Region Regional Flood Management Plan (California Department of Water Resources 2014). Additionally, CDFW regulations describe wildlife areas owned and operated by CDFW, which includes the Feather River Wildlife Area and a reference to Morse Road (14 CCR Section 551, subd. [b] [35] “Feather River Wildlife Area [Sutter and Yuba counties], including the Abbott Lake, Lake of the Woods, Marysville, Morse Road, Nelson Slough, O’Connor Lakes, Shanghai Bend, and Star Bend management units [Type C]”).

The text of the Draft SEIR was clarified to state that not all units are necessarily accessible by all methods of travel, and that CDFW’s Feather River Wildlife Area website lists the following six units as public access lands: Abbot Lake, O’Connor Lakes, Star Bend, Nelson Slough, Lake of the Woods, and Shanghai Bend (California Department of Fish and Wildlife 2026) (see Final SEIR Chapter 2, “Revisions to the Draft SEIR”).

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B**

Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River and the proposed removal of Sunset Weir would restore navigability of the Feather River.

See also Comment Responses 1-2 and 2-10.

Comment 17-3

“We believe that public fishing from and on the SEWD parcel would be compatible with its use for a pumping station. The facilities should be constructed so that they can accommodate public fishing access. Bank contouring and bank erosion work should be done to facilitate public walking along, and fishing along, the bank of the Feather River.”

Response 17-3

Comment 17-3 does address the sufficiency of the Draft SEIR.

The Proposed Project purpose and objectives are described in Draft SEIR Section 2.3, “Project Purpose and Objectives” and include accommodating passage of protected migratory fish species at Sunset Weir, and preserving overall water delivery system stability and reliability. Expansion of recreational facilities is not a Project purpose or objective.

The impacts of the Proposed Project on recreational resources, facilities, and opportunities are addressed in Draft SEIR Section 3.12, “Recreation.” As noted in this section, public access to the Feather River would not change with implementation of the Proposed Project compared to baseline conditions. Constructed facilities and operation and maintenance activities associated with the Proposed Project would not impair, degrade, or eliminate recreational resources, facilities, and opportunities. As a result, the Draft SEIR determined this impact is less than significant, and no additional mitigation is required (Impact 3.12-1.) In addition, the Draft SEIR determined that the Proposed Project would not substantially alter existing recreational resources or facilities or require the construction or expansion of recreational facilities during construction or as a result of constructed facilities and operation and maintenance activities associated with the Proposed Project. As a result, the Draft SEIR determined that this impact is less than significant after implementation of general protection measures (Impact 3.12-2).

See Comment Responses 2-3, 13-4, 14-1, 16-1, and 17-1.

Comment 17-4

“We concur with the fishing access issues outlined in the attached Jan. 26, 2026 email.”

Response 17-4

The referenced January 26, 2026, email from Francis Coats to Keven Marr at DWR is responded to in Comment Responses 9-1 through 9-4.

Letter 18 **Francis Coats**
Response February 6, 2026

Comment 18-1

“I attended the event at the Yuba City Council Chambers on Thursday evening, February 5, 2026 from 5:00 pm to 6:00 pm. The project involves the removal of the Sunset Weir on the Feather River between Yuba City and Live Oak and the replacement of the Sutter Extension Water District’s pumping station on its parcel on the right bank of the river immediately upstream from the location of the weir. The work includes a new larger pumping station of the riverbank, extensive rip-rap/bank protection, and recontouring the riverbank, all of which impairs the public use of the river and riverbank, particularly, walking up and down the bank for bank fishing. In prior comments I have asked for mitigation for the damage to the public interest by permitting the public to walk around the pumping station to the public to walk around the pumping station on the landward side and by permitting public access between the levee road to the west and the river to the east. The draft SEIR notes at several places that the SEWD does not permit public access over its parcel but does not say why, thereby denying the public an opportunity to be informed of the basis of the decision to not allow public access over the SEWD parcel and to comment on the reasons given for denying access. In light of the public right to be on the riverbank up to the ordinary high water mark, the obligation of public agencies to avoid interfering with public access to public trust lands so far as feasible, the public right to fish on state-owned land, and California’s well established policy of putting a high priority on public access to and use of the state’s water and the shore, this is pretty frustrating.”

Response 18-1

Comment 18-1 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

The impact analysis considers the Proposed Project’s potential impacts on public trust uses, such as recreation within the Feather River (see Draft SEIR Section 3.12, “Recreation”). As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see the Proposed Project components overlaid on the aerial photograph with the existing facilities in Final SEIR **Appendix B** Figure 2-8). Proposed work within navigable waters and state lands (i.e., areas below the ordinary high water mark) would include removing Sunset Weir, which would improve long-term navigability of the Feather River.

The public has the right to access any navigable waters between the bed of the water up to the ordinary high water mark. In Final SEIR **Appendix B**, “Updated Draft SEIR Figures” (Figure 2-4), the existing approximate ordinary high water mark upstream of the weir is identified (at elevation 58.4 feet NAVD88), along with the existing approximate ordinary high water mark downstream of the weir and the approximate ordinary high water mark under proposed conditions (at elevation 56.1 feet NAVD88).

Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

See also Comment Responses 1-1 to 1-7.

Comment 18-2

“I was disappointed by the meeting. Despite the written comments submitted on public access across the Sutter Extension Water District (SEWD) parcel (Sutter County Assessor's Parcel No. 009-305-002) to the river and riverbank at the Notice of Preparation phase and at the review of the draft SEIR phase, and four speakers at the meeting addressing public access across the SEWD parcel to the river and riverbank, no comment or information on the subject was provided by the sponsor agencies, their engineers, or consultants.”

Response 18-2

Comment 18-2 does not address the sufficiency of the Draft SEIR. As stated in Comment Response 18-1, access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, “Project Description,” and in Section 3.12, “Recreation,” SEWD’s property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

Comment 18-3

“I was also disappointed that the speakers were given only three minutes to address the meeting, even though only four people spoke and the meeting was closed before six o’clock, over an hour before the scheduled end time. There was time for interaction, and the agencies declined to participate.”

Response 18-3

Comment 18-3 does not address the sufficiency of the Draft SEIR. The comment about the 3-minute speaking time at the public meeting is noted; public speaking allotment times ranging from 2 to 3 minutes are standard at DWR CEQA public meetings. Alternative methods of submitting comments, including through a comment form at the public meeting or through submittal of written comments through email or mail, were offered at the public meeting. As described in the Notice of Availability that announced the Draft SEIR public meeting, the purpose of the meeting was to receive comments on the adequacy of the analysis included in the Draft SEIR. The public meeting was open until everyone who wanted to speak was given the opportunity to do so.

Comment 18-4

“I was also disappointed that the meeting was completely non-interactive. Although access over the SEWD parcel was the subject of written comments at the Notice of Preparation phase and early in the review of the draft SEIR phase and four people spoke at the meeting requesting or encouraging provisions for public access over the SEWD parcel, no one from DWR, SEWD, consultant or engineer side said anything in response.”

Response 18-4

As described in the Notice of Availability that announced the Draft SEIR public meeting, the purpose of the meeting was to receive comments on the adequacy of the analysis included in the Draft SEIR,

Comment 18-5

“I was able to speak to Lynn Phillips, the general manager of the SEWD after the meeting and asked him why the district would not consider permitting the public to walk across the parcel for access to the river, or around the landward side of the pumping station for access between the riverbank north of the pumping station for access between the riverbank north of the pumping station and the riverbank south of the pumping station. He said that it was because of concerns about liability and about protecting the district’s equipment. That is not enough information to allow a member of the public to understand the problem and discuss possible mitigation.”

“I assume that the agencies, their engineers others involved in developing the design developed a design which is substantially safe and which is substantially secure. If that is not the case, then the first thing to do is for the engineers and other designers to do is go back over their plans and fix them so they are safe and so the district's equipment is secure.”

“The parcel already contains: at the southwest corner next to the levee crown road the Pacific gas and Electric Company's Encinal substation; north of the substation along the western line next to the levee crown road the valve house; on the northern line a residence; on the eastern line/riverbank the existing pumping station; underground tubes between the pumping station and the valve house; and a derelict chicken coop along the southern line. The substation is surrounded by a chain link fence with three strands of barbed wire along the top and various signs noting the danger and requiring people to keep out. The valve house is an corrugated steel structure, well described I the report as it was considered as a historically or culturally possibly significant structure. I don’t know what is in the valve house, but an educated guess is that it contains a large, deep concrete-walled space in which the exposed tubes from the pumping station pass through valves and then continue westerly to pass through the levee. The building is a secure corrugated steel structure protecting the public from whatever may be dangerous inside and protecting whatever is inside from vandalism or other molest. Whatever is unsafe or at risk of theft or damage about the new work, the problem can most likely be solved by providing good fencing and signs at the substation; or, by enclosing the problem area in a secure building as at the valve works.”

“As for the security of the residence, a fence would seem to be a feasible answer.”

“In addition, remote cameras and motion sensors and related transmission and processing/altering are feasible. I have a baby monitor at home that gives me live pictures, room temperature, humidity, cry

detection, and information on whether there is a person in the crib, whether the person's face is covered, whether the person has rolled over. I would guess there are some pretty good security software programs that would work with cameras and other sensors."

"The proposed new pumping station largely consists of a "wet-well" structure resembling a castle keep from the middle ages, but with no windows. It appears to neither be unsafe or vulnerable. The report discusses the plusses and minuses of running the power lines for the new pumps through the air or underground, noting that underground is safer for people and more secure from accidental or intentional damage, and apparently opting for underground despite indigenous commenters concerned about disturbance of graves and culturally significant material. Also note that the draft report addresses this issue, raised by indigenous commenters, but not public access over the SEWD parcel raised at the NOP stage by others."

"In summary, based on Lynn Phillips' statement, we know that the district does not permit public access across its parcel because it is concerned with public safety/district liability, and with the security of its equipment; however, we know nothing specific other than the general characterization of the concern. We don't know why the existing design did not take care of that set of problems, and we don't know why good fences (as around the substation) or buildings (as the valve house) would not adequately address the district's concerns."

"The public has the right to be on the banks of the river below the ordinary highwater mark; and the right to be on the SEWD parcel to fish; and, the DWR and SEWD are affirmatively obligated to protect the public's right to access and use the river so far as feasible and to the extent that public use including fishing can be accommodated while also accommodating the use of the parcel for the pumping station. So far the information provided the public indicates that public pedestrian travel across the parcel is feasible and not incompatible with its use for the pumping station. If the sponsors believe that public use is not feasible or is incompatible with the use, it is for sponsors to provide this information so that the public may participate in this decision process."

Response 18-5

Comment 18-5 does not address the sufficiency of the Draft SEIR. However, DWR has provided the following information in response to these comments.

No right of public access currently exists on SEWD's property. Access rights would not change with the Proposed Project compared to baseline conditions and, as noted in Draft SEIR Chapter 2, "Project Description," and in Section 3.12, "Recreation," SEWD's property is not currently open to public access or recreation. The Proposed Project does not implicate any changes to existing access rights on the SEWD property.

As stated in Draft SEIR Impact 3.12-1, temporary construction activities and constructed facilities and operations and maintenance activities associated with the Proposed Project would result in less than significant impacts on the impairment, degradation, or elimination of recreational resources, facilities, and opportunities. Under baseline conditions, the existing Sunset Pump Station and fish screens preclude walking on the banks of the river below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figures 2-3 and 2-4). The replacement and upgrade of the Sunset Pump Station

and new fish screens associated with the Proposed Project would occur within the same general footprint as the existing facilities and would not result in a substantial change in accessible navigation along the banks below the ordinary high water mark in the area of these facilities (see Final SEIR **Appendix B** Figure 2-4). However, the presence of the Sunset Weir generally prevents access to the full length of the Feather River and the proposed removal of Sunset Weir would restore navigability of the Feather River.

See also Comment Responses 1-1 to 1-7.

Letter 19 Response **Lauren Mulloy, Senior Environmental Scientist, California Department of Fish and Wildlife, North Central Region**
February 20, 2026

Comment 19-1

“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.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, 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.”

Response 19-1

The comment is noted.

Comment 19-2

“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.”

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.

Response 19-2

DWR thanks CDFW for commenting as a trustee and responsible agency pursuant to CEQA.

Comment 19-3

“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 2 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 would 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.”

Response 19-3

The comment is noted.

Comment 19-4

“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.”

Response 19-4

See Comment Responses 19-5 through 19-8. CDFW’s conclusion that an SEIR is appropriate for the Proposed Project is noted.

Comment 19-5

“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.”

Response 19-5

The format of the impact discussions in the Draft SEIR started with a summary of findings from the Final SRGO Program EIR, which was followed by the project-specific analysis for the Proposed Project. The statement quoted in the comment from page 3.7-19 in Draft SEIR Section 3.7, “Biological Resources—Aquatic,” was summarized from the Final SRGO Program EIR. Draft SEIR Section 2.4.4, “Proposed Construction Methods” describes proposed construction activities associated with weir removal using an excavator, crane, and barge (pages 2-21 and 2-22). No explosives are proposed for use with the Proposed Project.

Comment 19-6

“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.”

Response 19-6

The comment is noted.

Comment 19-7

“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.)”

Response 19-7

Environmental document filing fees as required by the California Fish and Game Code would be paid upon filing of the Notice of Determination, as described in the comment.

Comment 19-8

“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 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.”

Response 19-8

As requested, DWR will provide CDFW with written notification of proposed actions and decisions regarding the Proposed Project. The CDFW contact information is noted.

Letter 20 **Kathleen Cosby**
Response February 23, 2026

Comment 20-1

“I’m writing on the last day for public comment for the Sunset Weir and Pumps Fish Passage Project on the Feather River in Live Oak. I hope you can consider my comments as you move forward with the project. Feel free to forward / share and I can be reached at [phone number redacted] with any questions.”

Response 20-1

The commenter’s contact information is noted.

Comment 20-2

“I’ve dived in and around that section of the Feather River a number of times. I have kicked along the banks and eaten cool, ripe California wild grapes and blackberries while swimming home after a dive day in the fall. I’ve seen numbers of fish, water insects, and many bird species who make their homes in that area, and pass through it as part of their life cycles. It’s a pretty special and beautiful place.”

“In particular, the scour hole/the deep pool formed at the edge of the dam is pretty incredible. I’ve held my breath and dived and watched as countless fish swirl past me and disappear again into the bubbles. There’s a lot going on there – it’s a wild and rich habitat under that churning water. From bottom to top, I’ve seen huge old weird crazy fish living under ancient submerged logs that you’d never see from the surface while hook-and-lining, and stripers, and tons of little fish and everything in between. The current and the changes in depth going into and out of that pool give fish everything from a place to rest, or ride the current, hunt for food, or hide in the deep shadows at the bottom.”

Response 20-2

The comment is noted.

Comment 20-4

“My hope is that you can stabilize the banks as needed, but leave that deep pool and not fill it with excess boulders from the demolition. It’s a magical place to dive, and it’s full of fish who clearly all get some value out of it. As you complete this large project, I know it will have impacts which you all will strive to manage in thoughtful ways. I hope you can avoid too radical of a change to this unique spot which has importance for all sizes and species of fish, from the little ones to the biggest ones.”

Response 20-4

There are two scour holes in the vicinity of the weir. The first is immediately downstream of the weir; that scour hole was originally proposed to be partially filled, but that fill is no longer proposed (see Final SEIR Chapter 2, “Revisions to the Draft SEIR”). However, as stated on Draft SEIR page 2-11, the large scour hole downstream of the weir is expected to fill naturally with river sediments (e.g., gravel) once the weir is removed, thereby creating a more natural morphology.

The second scour hole is located along the Feather River left bank. While it is understood that the commenter has observed a variety of fish species in the left bank scour hole, this feature is an unnatural result of a partial failure of the Sunset Weir that occurred in 2019, an event that concentrated river flow and high velocities on the left bank of the Feather River. The area continues to erode and, without repair, further material erosion adjacent to the scour hole could occur. This would also cause environmental harm to fish and associated habitat by increasing sedimentation, reducing water depth, and removing overhead cover. Increased suspended sediments in the water column would have the potential to affect State and federally listed fish by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory functions. Increased suspended solids could also affect aquatic organisms by reducing dissolved oxygen levels and light transmission, and when the sediment in the suspended solids resettles, it could potentially smother aquatic habitats and organisms. Research with salmonids has shown that high-turbidity concentrations can reduce feeding efficiency, decrease food availability, reduce dissolved oxygen in the water column, result in reduced respiratory functions and tolerance to diseases, and cause fish mortality (Berg and Northcote 1985; Gregory and Northcote 1993; Velagic 1995; Waters 1995). In addition, reduction of riparian vegetation reduces shade, leading to warmer water temperatures unsuitable to listed fish, and eliminates overhanging vegetation used by fish for protection against predators (Knight and Boyer 2007; Roni et al. 2014). Furthermore, warm, slow-moving habitats are particularly suitable for non-native fish species, such as striped bass, that are known to prey on native salmonids (Grossman 2016).

As noted in Draft SEIR Chapter 2, “Project Description,” the extent of rock placement for the bioengineered bank stabilization project element would be limited to the amount necessary to prevent scour from expected moderate to high flows. This carved-out area would not completely disappear with project implementation and would still provide habitat for fish at higher flows (e.g., it could serve as a high-velocity flow refugia for migrating, native fish).

Since its construction in 1920s, the 10-foot-tall Sunset Weir, consisting of unconsolidated boulders, has spanned the Feather River approximately 2 miles southeast of Live Oak in Sutter County. Section 3.7.3 of the Draft SEIR discusses the existing conditions and the conclusion by various hydrology studies that the Sunset Weir prevents passage for sturgeon at all passage flows and for salmon at all but the higher end of the flow range. With the Proposed Project, for the first time in over a century, removal of the Sunset Weir would provide native fish species with unimpeded access to 29 miles of upstream spawning habitat for salmon, steelhead, and sturgeon, including numerous pools and documented spawning habitat for green sturgeon in the reach from the Thermalito Afterbay Outlet pool upstream to the Fish Barrier Dam. In addition, any milling of adult salmon currently seen below Sunset Weir is an indication of delayed migration for salmon attempting to move upstream to spawning habitat. Such migratory delays can impact salmon spawning success by depleting limited energy reserves and forcing fish into more stressful temperature zones. Delays can cause rapid energy consumption, reducing reproductive output, increasing pre-spawn mortality, and hindering successful upstream migration. Therefore, removal of the Sunset Weir, and restoration of 6 miles of riverine habitat would allow access to more and better quality habitat upstream, which would be a greater overall benefit to salmon, steelhead, and sturgeon in the future. It would also remove the risk of poaching in the area. Furthermore, as described above, stabilizing the left bank would increase water quality for listed fish species by reducing warm, low velocity habitat that attracts non-native predatory fish, reducing sedimentation and turbidity levels, providing overhead cover and shading, and serving as a high-velocity flow refuge for migrating fish.

See Comment Response 4-6.

Comment 20-5

“I look forward to bringing my daughter there one day to dive – she’s a very knowledgeable young birder and knows a ton about native plants and wildlife and California habitats, and I’ve told her about this spot many times. I’d like her to see the deep pool there as wild and alive as I have gotten to see it. I would like her to know that this project was carried out by people who care about and conserve what’s working well for animals, as our human needs for the dam project are met.”

Response 20-5

The comment is noted.

3.3 References

- Berg L, Northcote TG. 1985. “Changes in Territorial, Gill-Flaring, Feeding Behavior in Juvenile Coho Salmon (*Oncorhynchus kisutch*) Following Short-Term Pulses of Suspended Sediment.” Canadian Journal of Fisheries and Aquatic Sciences Volume 42: Pages 1410–1417.
- California Department of Fish and Wildlife. 2026. Feather River Wildlife Area Overview. Available online: <https://wildlife.ca.gov/Lands/Places-to-Visit/Feather-River-WA>.
- California Department of Water Resources (DWR). 2014. *Feather River Region Regional Flood Management Plan*. Draft Final. July 2014. Available online: <https://cms9files1.revize.com/trlia/FeatherRFMP-MainReportDraftFinal7-11-14-clean.pdf>. Accessed: May 21, 2025.
- California State Parks. 2026. Boating Facilities at Feather River. Available online: www.parks.ca.gov/BoatingFacilities/Body-of-Water/Feather%20River. Accessed April 20, 2026.
- Gregory RS, Northcote TG. 1993. “Surface, Planktonic, and Benthic Foraging by Juvenile Chinook Salmon (*Oncorhynchus tshawytscha*) in Turbid Laboratory Conditions.” Canadian Journal of Fisheries and Aquatic Sciences Volume 50 (Issue 2): Pages 233–240.
- Grossman, GD. 2016. *Predation on Fishes in the Sacramento–San Joaquin Delta: Current Knowledge and Future Directions*. *San Francisco Estuary and Watershed Science* 14(2).
- Knight, S.S. and K.L. Boyer. 2007. *Effects of Conservation Practices on Aquatic Habitats and Fauna*. U.S. Department of Agriculture. Chapter 6 of *Fish and Wildlife Response to Farm Bill Conservation Practices*. Pp. 83-101.
- Roni, P., G.R. Pess, T.J. Beechie, and K.M. Hanson. 2014. Fish-habitat relationships and the effectiveness of habitat restoration. U.S. Dept. Commer., NOAA Tech. Memo. NMFS-NWFSC-127.
- Sutter County. 2026a. Boat Launching. Feather River. Available online: <https://www.sutter.gov/community/residents/entertainment-recreation/sports-recreation/river-boat-launching>. Accessed April 20, 2026.
- Sutter County 2026b. Sutter County Yodel Permit. Available online: <https://yodelportal.com/Sutter>. Accessed April 20, 2026.
- Velagic E. 1995. *Turbidity Study: A Literature Review*. Prepared for: Delta Planning Branch, California Department of Water Resources. Prepared by: Centers for Water and Wildland Resources, University of California, Davis (CA).
- Waters, TF. 1995. *Sediment in streams: Sources, biological effects, and control*. American Fisheries Society Monograph 7.

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CHAPTER 4

Mitigation Monitoring and Reporting Program

4.1 Introduction

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a mitigated negative declaration or specified environmental findings related to EIRs.

This mitigation monitoring and reporting program (MMRP) has been developed to help ensure that DWR carries out the adopted measures to mitigate and/or avoid significant environmental impacts associated with implementation of the Proposed Project, the Sunset Weir and Pumps Fish Passage Project.

This MMRP is intended to be used by DWR to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed as part of the SEIR process for the Proposed Project.

4.2 MMRP Components

The components of **Table 4-1**, which contains applicable mitigation measures, are addressed briefly below.

Issue Area: This column lists the resource topics, as identified in the CEQA Guidelines, to which the respective impact and mitigation measures apply.

Impact: This column summarizes the impact stated in the Draft SEIR.

Mitigation Measure/General Protection Measure: All mitigation measures identified in the Draft SEIR are presented and numbered accordingly. The general protection measures, species protection measures, and mitigation measures from the Final Statewide Restoration General Order (SRGO) Program EIR that are applicable to the Proposed Project are referenced in **Table 4-1** are included in Section 4.3.

Timing for Implementation: Implementation of the action must occur before or during some part of project approval, project design or construction, or on an ongoing basis. This column identifies when each mitigation measure identified would be implemented.

Responsible Party: This column identifies the entity that would undertake each required mitigation measure. DWR is primarily responsible for ensuring that mitigation measures are successfully implemented. Within DWR, a number of departments and divisions would have responsibility for

monitoring some aspect of the overall project. DWR may contract out for these services and/or make them part of the construction specifications, and other agencies may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

Verification Date: This column is left blank to allow DWR to identify the date(s) on which each mitigation measure has been successfully implemented.

TABLE 4-1
SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT, MITIGATION MONITORING AND REPORTING PROGRAM

Issue Area	Impact	Mitigation Measure/General Protection Measure	Timing for Implementation	Responsible Party	Verification Date
3.3.1 Aesthetics	Impacts on aesthetics from construction activities and constructed facilities and operations and maintenance.	General Protection Measures GPM-3, GPM-11, GPM-14, GPM-15, VHDR-1, VHDR-3, VHDR-4, and VHDR-5. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
		Final SRGO Mitigation Measures AES-1 and AES-2. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
3.3.3 Geology and Soils	Impacts on geology and soils from construction activities.	General Protection Measures GPM-15, WQHM-1 through WQHM-4, VHDR-1, and VHDR-3 through VHDR-5. (See Section 4.3.)	Prior to, during, and after construction	DWR, SEWD, construction contractor	
		Final SRGO Mitigation Measures GEO-1, GEO-3, GEO-4, and GEO-6 through GEO-10. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor	
3.3.6 Noise	Impacts on noise from construction activities.	General Protection Measures GPM-2, GPM-3, GPM-6, and IWW-9. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Final SRGO Mitigation Measure NOISE-1. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
3.3.9 Transportation	Impacts on transportation from construction activities and constructed facilities and operations and maintenance.	Final SRGO Mitigation Measures TRA-1 through TRA-4, and TRA-6 through TRA-8. (See Section 4.3.)	Prior to, during, and after construction	DWR, SEWD, construction contractor	
3.3.10 Wildfire	Impacts on wildfire from construction activities.	General Protection Measures WQHM-3, WQHM-6, IWW-3, IWW-6, and VHDR-2 through VHDR-4. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
3.4 Agriculture	3.4-2: Implementation of the Proposed Project could involve other changes in the existing environment which, due to their location or nature, could result in conversion of Special Designation Farmland to non-agricultural use.	General Protection Measures GPM-8, GPM-10 through GPM-12, GPM-15, and VHDR-1 through VHDR-6. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
3.5 Air Quality and Greenhouse Gas Emissions	3.5-1: Implementation of the Proposed Project could conflict with or obstruct implementation of an applicable air quality plan.	General Protection Measures GPM-6 and GPM-12. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		General Protection Measures GPM-6 and GPM-12. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Final SRGO Program EIR Mitigation Measure AIR-1. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
	3.5-2: Implementation of the Proposed Project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.	SEIR Mitigation Measure 3.5-1: Clean Construction Equipment. Construction contractors for the Proposed Project shall be required to use all off-road construction equipment (land- and water-based) that meet CARB and EPA's Tier 4 Final emission standards. This requirement shall be specified in contract documents.	During construction	DWR, SEWD, construction contractor	
		General Protection Measures GPM-6 and GPM-12. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Final SRGO Program EIR Mitigation Measures AIR-1 and AIR-2. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
	3.5-3: Implementation of the Proposed Project could expose sensitive receptors to substantial pollutant concentrations.	SEIR Mitigation Measure 3.5-1: Clean Construction Equipment (see above).	See above	See above	
		General Protection Measure IWW-13. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Final SRGO Program EIR Mitigation Measures AIR-1 through AIR-3. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
3.6 Biological Resources--Terrestrial	3.6-1: Implementation of the Proposed Project could adversely affect habitat for special-status plant species.	General Protection Measures GPM-5, GPM-7 through GPM-9; and VHDR-1 and VHDR-2. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Species Protection Measures PLANT-1 through PLANT-4. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, qualified biologist	

Issue Area	Impact	Mitigation Measure/General Protection Measure	Timing for Implementation	Responsible Party	Verification Date
	3.6-2: Implementation of the Proposed Project could adversely affect habitat for special-status wildlife species.	General Protection Measures GPM-1 through GPM-7, GPM-10, GPM-13, and GPM-15; WQHM-1, WQHM-2, and WQHM-4 through WQHM-6; and VHDR-1 through VHDR-5. (See Section 4.3.)	Prior to, during, and after construction	DWR, SEWD, construction contractor	
		Species Protection Measures SPM-1 through SPM-3 ¹ and SPM-4 through SPM-6; BIRD-1 through BIRD-5; REP-1 through REP-3, REP-5, and REP-6; INVERT-3; and MAM-1 through MAM-5. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, qualified biologist	
	3.6-3: Implementation of the Proposed Project could result in adverse effects on riparian habitat or sensitive natural communities.	General Protection Measures GPM-1, GPM-2, and GPM-4 through GPM-15; WQHM-4 and WQHM-6; and VHDR-2 and VHDR-3. (See Section 4.3.)	Prior to, during, and after construction	DWR, SEWD, construction contractor	
	3.6-5: Implementation of the Proposed Project could interfere with the movement of native resident and migratory wildlife species.	General Protection Measures GPM-1 through GPM-7. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor, qualified biologist	
		Species Protection Measures SPM-3 through SPM-6; REP-4 through REP-6; BIRD-2 through BIRD-5; MAM-1 through MAM-5; and INVERT-3. (See Section 4.3.)			
	3.6-6: Implementation of the Proposed Project could conflict with local policies or ordinances protecting biological resources.	General Protection Measures GPM-1 through GPM-15; WQHM-1 through WQHM-6; IWW-1 through IWW-3, IWW-6, IWW-8, and IWW-13; and VHDR-1 through VHDR-8. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor, qualified biologist	
		Species Protection Measures SPM-1 through SPM-3 ² and SPM-4 through SPM-6; BIRD-1 through BIRD-5; REP-1 through REP-6; INVERT-3; MAM-1 through MAM-5; and PLANT-1 through PLANT-4 and PLANT-6. (See Section 4.3.)			
3.7 Biological Resources—Aquatic	3.7-1: Implementation of the Proposed Project could result in substantial adverse effects on special-status fish species directly, or indirectly through habitat modifications.	General Protection Measures GPM-2, GPM-4, GPM-5, and GPM-10; IWW-1 through IWW-6, IWW-8 through IWW-10, IWW-12, and IWW-13; WQHM-1 through WQHM-6; and VHDR-1. (See Section 4.3.) Species Protection Measures SPM-3 and FISH-1 through FISH-4. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor, qualified biologist	
	3.7-2: Implementation of the Proposed Project could result in substantial adverse direct effects on the movement of native resident or migratory fish.	General Protection Measures GPM-2, GPM-4, GPM-5, and GPM-10; IWW-1 through IWW-6, IWW-8 through IWW-10, and IWW-12; WQHM-1 through WQHM-6; and VHDR-1. (See Section 4.3.) Species Protection Measures SPM-3 and FISH-1 through FISH-4. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor, qualified biologist	
3.8 Cultural Resources	3.8-2: Implementation of the Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	Final SRGO Program EIR Mitigation Measure CUL-3. (See Section 4.3.)	During construction	DWR, SEWD, qualified archaeologist	
		SEIR Mitigation Measure 3.8-1: Prepare a Historic Properties Treatment Plan. Before beginning any ground-disturbing activities, DWR shall prepare a Historic Properties Treatment Plan (HPTP), which ensures the minimization of adverse impacts on Indigenous Resource P-51-000523 from implementation of the Project, as feasible, and addresses any adverse impacts that cannot be avoided in a culturally appropriate manner. The HPTP will require the following protective measures included as Mitigation Measures 3.8-1a through 3.8-1e: (a) pre-construction treatment; (b) construction avoidance and fencing measures; (c) cultural resources and Tribal cultural resources awareness training; (d) archaeological and Tribal monitoring during construction; and (e) an inadvertent-discovery plan. DWR as the CEQA lead agency will coordinate with consulting California Native American Tribes to solicit recommendations regarding Native American resources including Tribal cultural resources (TCRs) and Traditional Cultural Properties (TCPs) for the HPTP (see also Mitigation Measure 3.13-1).	Prior to and during construction	DWR, SEWD, qualified archaeologist	
		Mitigation Measure 3.8-1a: Pre-construction Treatment. The Project may cause a direct impact on Indigenous Resource P-51-000325. The HPTP will include a chapter that will provide treatment options. The HPTP will document the results of past research; determine the ability of the resource to contribute to research themes, questions, and data requirements; and include a plan for additional subsurface investigation, and treatment, including data recovery or excavation, as appropriate. Treatment for TCRs/TCPs will be developed in coordination with consulting Tribes (see Mitigation Measure 3.13-1a).	Prior to and during construction	DWR, SEWD, qualified archaeologist	
		Mitigation Measure 3.8-1b: Construction Avoidance and Fencing Measures. The HPTP will include a chapter on fencing and avoidance measures. The preferred method of avoiding impacts is to relocate construction-related activities to avoid significant resources. Fencing and/or monitoring to ensure that resources are protected will be necessary. To prevent inadvertent adverse impacts on Indigenous Resource P-51-000325, fencing may be placed in areas to be avoided, and geotechnical fabric may be placed in staging areas to further ensure that no inadvertent adverse impacts during construction occur. The Project archaeologist shall designate the locations and types of physical barriers needed to adequately protect resources from construction activities in coordination with the consulting California Native American Tribes.	Prior to and during construction	DWR, SEWD, qualified archaeologist	
		Mitigation Measure 3.8-1c: Cultural Resources and Tribal Cultural Resources Awareness Training. The HPTP will include a chapter regarding a cultural resources and Tribal cultural resources awareness training program. All construction personnel on the Project will undergo training sessions before starting work. Only personnel who have received the training will be allowed to enter the Project site. Training will include a presentation developed in coordination with consulting California Native American Tribes. Topics may include the presence and nature of cultural resources and Tribal cultural resources within the Project site; the laws protecting these resources and associated penalties; the basics for identifying cultural resources; and the procedures to follow should they discover cultural resources during Project-related work. Consulting California Native American Tribes shall be provided an opportunity to present the Tribal perspective at each training session. Associated written materials will be provided to the construction manager, construction crews, and field personnel as appropriate.	Prior to and during construction	DWR, SEWD, qualified archaeologist	

¹ To protect northwestern pond turtle, for activities that involve in-water work, work would be avoided from October 1 to March 31.

² To protect northwestern pond turtle, for activities that involve in-water work, work would be avoided from October 1 to March 31.

Issue Area	Impact	Mitigation Measure/General Protection Measure	Timing for Implementation	Responsible Party	Verification Date
		Mitigation Measure 3.8-1d: Archaeological and Tribal Monitoring during Construction. The HPTP will include a chapter detailing the areas to be monitored during construction. Monitoring locations and coordination protocol will be designated by the Project archaeologist in coordination with the consulting California Native American Tribes (see Mitigation Measure 3.13-1b). The Project archaeologist and consulting California Native American Tribes will be provided a general construction schedule and a representative from each consulting California Native American Tribe will be invited to monitor ground-disturbing activities with a minimum 24-hour/1-business-day advance notification of activities in areas designated for monitoring. If buried or previously undocumented resources are discovered, appropriate treatment will be completed in accordance with the HPTP and these mitigation measures. The HPTP should provide detailed guidance for archaeological and Tribal monitoring including: • Person(s) responsible for conducting monitoring activities; • Person(s) responsible for overseeing and directing the monitors; • Safety protocols and requirements; • Communication protocols including regular meetings, process for routine communications, and process for notifying key staff, Tribes, DWR, and federal partners of unanticipated discoveries; • How the monitoring shall be conducted including timing, duration, and activities, and required format and content of monitoring reports; • Means and methods of identifying and managing resources encountered (e.g., left in place, temporary collection, reburial, identification, and documentation); • Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports; • Protocol for pausing and/or stopping work and notifications in case potential cultural resources and/or Tribal cultural resources are encountered; • Authority for archaeological and Tribal monitors to pause and/or stop work if potential cultural resources and/or Tribal cultural resources are encountered; • Methods to ensure security of potential cultural resources or Tribal cultural resources; • A protocol for notifying local authorities (i.e., Sheriff, Police) should site looting and other illegal activities occur during construction; • A protocol for notifying the County Coroner should human remains be found, per California Health and Safety Code Section 7050.5; • The archaeologist in coordination with consulting Tribes may adjust the frequency of the monitoring (e.g., from continuous to intermittent) based on the conditions and professional judgment regarding the potential to impact resources; and • Contact information for all responsible personnel identified in the Plan.	During construction	DWR, SEWD, qualified archaeologist	
		Mitigation Measure 3.8-1e: Inadvertent-Discovery Plan. If cultural materials are encountered during Project construction or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. DWR and the Project archaeologist shall be immediately informed of the discovery. The Project archaeologist shall inspect the discovery and notify DWR of their initial assessment. If the resource is potentially indigenous in origin, DWR shall coordinate with consulting California Native American Tribes to assess the find and determine whether it is potentially a Tribal cultural resource. If DWR determines, based on recommendations from the Project archaeologist and consulting California Native American Tribes, that the resource is indigenous, or that the resource may qualify as a historical resource (per CEQA Guidelines Section 15064.5), a unique archaeological resource (per PRC Section 21083.2), or a Tribal cultural resource (per PRC Section 21074), then the resource shall be avoided if feasible (see Mitigation Measure 3.13-1c). If avoidance of an identified indigenous resource is not feasible, DWR shall consult with the Project archaeologist, consulting California Native American Tribes, and other appropriate interested parties to determine treatment measures to minimize or mitigate any potential impacts on the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. If any such resources are on or in the tide and submerged lands of California, this process shall also include coordination with the California State Lands Commission. Once treatment measures have been determined, DWR shall prepare and implement the measures of the HPTP that outline the treatment measures for the resource. Treatment measures typically consist of the following steps: • Determine whether the resource qualifies as a historical resource (per CEQA Guidelines Section 15064.5), a unique archaeological resource (per PRC Section 21083.2), or a Tribal cultural resource (per PRC Section 21074) through analysis that could include additional historical or ethnographic research, evaluative testing (excavation), or laboratory analysis. • If the resource qualifies as a historical resource (per CEQA Guidelines Section 15064.5) and/or a unique archaeological resource (per PRC Section 21083.2), implement measures for avoiding or reducing impacts such as the following: – Modify the project to avoid impacts on resources. – Plan parks, green space, or other open space to incorporate resources.	During construction	DWR, SEWD, qualified archaeologist	

Issue Area	Impact	Mitigation Measure/General Protection Measure	Timing for Implementation	Responsible Party	Verification Date
		– Recover the scientifically consequential information from the archaeological resource before any excavation at the resource's location. This typically consists of (but is not necessarily limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the resource to be affected by the project. – Develop and implement interpretive programs or displays. • If potential human remains are encountered, all work will halt within a minimum of 100 feet (or greater agreed-upon distance) of the find and the construction contractor will immediately contact DWR and SEWD or its representative. DWR, SEWD or its representative, and/or the on-site archaeologist will contact the appropriate County coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the coroner will contact the NAHC. As provided in PRC Section 5097.98, the NAHC will identify the person or persons believed most likely to be descended from the deceased Native American. The most likely descendant (MLD) will make recommendations for means of treating, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.			
		Mitigation Measure 3.8-1f: Annual Monitoring Program. The HPTP described in Mitigation Measure 3.8-1 will include a chapter to establish an annual monitoring program to address locations where there may be impacts from operations and maintenance of the Proposed Project. The Project archaeologist and consulting California Native American Tribes will provide input on areas to be observed on an annual basis. If buried or previously undocumented resources are discovered, appropriate treatment will be completed in accordance with Mitigation Measure 3.8-1 and any other relevant provisions in the HPTP.	Prior to and during construction	DWR, SEWD, qualified archaeologist	
	3.8-3: Implementation of the Proposed Project could disturb human remains, including those interred outside of dedicated cemeteries.	Final SRGO Program EIR Mitigation Measure CUL-4. (See Section 4.3.)	During construction	DWR, SEWD, qualified archaeologist	
3.10 Hazards and Hazardous Materials	3.10-1: Implementation of the Proposed Project could involve the routine transport, use, or disposal of hazardous materials that, if accidentally released, could create a significant hazard to the public or the environment.	General Protection Measures GPM-6, GPM-7, GPM-10 through GPM-12, and GPM-14; WQHM-1, WQHM-2, and WQHM-4 through WQHM-6; IWW-1 through IWW-3, IWW-6, and IWW-13; and VHDR-6. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
	3.10-2: Ground-disturbing activities for construction of the Proposed Project could encounter previously unidentified contaminated soil and/or groundwater, potentially exposing construction workers, the public, and the environment to risks associated with hazardous materials.	General Protection Measures GPM-6, GPM-7, GPM-10 through GPM-12, and GPM-14; WQHM-1, WQHM-2, and WQHM-4 through WQHM-6; IWW-1 through IWW-3, IWW-6, and IWW-13; and VHDR-6. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
		Final SRGO Program EIR Mitigation Measures HAZ-1 through HAZ-3. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, construction contractor	
3.11 Hydrology and Water Quality	3.11-1: Implementation of the Proposed Project could result in the release of pollutants into surface water and/or groundwater that could violate water quality standards or waste discharge requirements, substantially degrade water quality, or obstruct implementation of a water quality control plan.	General Protection Measures GPM-10 through GPM-12; WQHM-1 through WQHM-6; IWW-1 through IWW-4, IWW-6, and IWW-10 through IWW-13; and VHDR-2 through VHDR-4 and VHDR-6 through VHDR-8. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
	3.11-2: Implementation of the Proposed Project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a project may impede sustainable groundwater management of the basin or obstruct implementation of a sustainable groundwater management plan.	General Protection Measure IWW-6. (See Section 4.3.)	During construction	DWR, SEWD, construction contractor	
	3.11-3: Implementation of the Proposed Project could substantially alter the existing drainage pattern of a site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that could result in substantial on- or off-site erosion or siltation; substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.	General Protection Measures WQHM-1 through WQHM-3; IWW-11; and VHDR-4. (See Section 4.3.)	During and after construction	DWR, SEWD, construction contractor	
3.12 Recreation	3.12-2: Implementation of the Proposed Project could alter recreational resources or facilities or require the construction or expansion of recreational facilities that could result in environmental impacts.	General Protection Measures GPM-6, GPM-7, and GPM-10 through GPM-15; WQHM-1, WQHM-2, and WQHM-4 through WQHM-6; IWW-1 through IWW-3, IWW-5, IWW-6, IWW-8, and IWW-13; and VHDR-1 through VHDR-4 and VHDR-6. (See Section 4.3.)	Prior to, during, and after construction	DWR, SEWD, construction contractor	

Issue Area	Impact	Mitigation Measure/General Protection Measure	Timing for Implementation	Responsible Party	Verification Date
3.13 Tribal Cultural Resources	3.13-1: Implementation of the Proposed Project could cause a substantial adverse change in the significance of a Tribal cultural resource, as defined in PRC Section 21074.	Final SRGO Program EIR Mitigation Measures TCR-1 and TCR-2. (See Section 4.3.)	Prior to and during construction	DWR, SEWD, qualified archeologist	
		SEIR Mitigation Measure 3.13-1: Tribal Monitoring, Identification, Treatment, and Reporting of Tribal Cultural Resources (TCRs) and Traditional Cultural Properties (TCPs). California Native American Tribes that are traditionally and culturally affiliated with the Proposed Project site have expertise concerning their TCRs/TCPs (California PRC Section 21080.3.1). DWR will coordinate with consulting Tribes on development of the Historic Properties Treatment Plan (HPTP) to avoid or minimize impacts to potential TCRs/TCPs (see Mitigation Measure 3.8-1). Prior to continuance of construction and associated activities that may result in damage to or destruction of TCRs/TCPs, the following performance standards shall be met as included in Mitigation Measures 3.13-1a through 3.13-1e:	Prior to and during construction	DWR, SEWD, qualified archeologist	
		Mitigation Measure 3.13-1a: Treatment of TCRs/TCPs. Consistent with Mitigation Measure 3.8-1a, the HPTP should include measures to conduct additional subsurface investigations up to the proposed extent of ground disturbance and minimize impacts where feasible. Additional measures should be identified to treat TCRs/TCPs with culturally appropriate dignity in consideration of Tribal cultural values including recovery and reburial of the resource(s) on-site or in a feasible off-site location preserved in perpetuity and may include: • Protection of the cultural character and integrity of the resource; • Protection of the traditional use of the resource; • Protection of the confidentiality of the resource; and • Protection of the resource.	Prior to and during construction	DWR, SEWD, qualified archeologist	
		Mitigation Measure 3.13-1b: Tribal Monitoring. DWR will contract for Tribal monitoring at sensitive locations with consulting culturally affiliated Native American Tribes including compensation for professional services. DWR and their contractors shall coordinate with consulting Tribes to support identification of TCRs including providing a schedule of project-related activities as early as possible (recommended minimum 2 months prior to start of work) to identify activities and areas consulting Tribes request to monitor. • To track the implementation of this measure, Tribes providing monitoring services shall submit monitoring logs to DWR or contracted consultant to document field-monitoring activities. • Timing, duration, means, and methods of monitoring will be coordinated and agreed upon by DWR and consulting Tribes providing monitoring services consistent with Mitigation Measure 3.8-1d. • In the event the Tribal monitor does not report to the job site at the scheduled time after receiving sufficient notice (recommended at least 24 hours/1 business day in advance), construction activities may proceed without Tribal monitoring. • Potential TCRs should not be handled without explicit permission from the Tribe(s) providing monitoring services. All potential TCRs should be respected consistent with Tribal protocols.	Prior to and during construction	DWR, SEWD, qualified archeologist	
		Mitigation Measure 3.13-1c: Inadvertent Discovery. If potential Tribal cultural resources are encountered, all construction activities within a minimum of 100 feet (or greater agreed-upon distance) will halt to safely assess the find consistent with Mitigation Measure 3.8-1e . • Each identified resource will be recorded and evaluated for California Register and National Register eligibility through application of established eligibility criteria (California Code of Regulations 15064.636, PRC Section 21074 and CFR Part 63 respectively) in consultation with culturally affiliated Native American Tribes. In the event of human remains, DWR will consult with the MLD(s) consistent with Mitigation Measure 3.8-1e. • If a resource is determined to be eligible for listing on the California Register and/or National Register, DWR will avoid damaging effects in accordance with California PRC Section 21084.3, if feasible. • If a TCP is determined to be eligible for listing in the National Register, then the procedures for determination of effect and, if adverse, treatment of the resource to resolve adverse effect will be conducted in accordance with the procedures required for compliance with Section 106 of the NHPA (36 CFR Parts 800.5–800.6).	Prior to and during construction	DWR, SEWD, qualified archeologist	
Notes: California Register = California Register of Historical Resources; CARB = California Air Resources Board; CFR = Code of Federal Regulations; DWR = California Department of Water Resources; EIR = environmental impact report; EPA = U.S. Environmental Protection Agency; GHG = greenhouse gas; HPTP = Historic Properties Treatment Plan; MLD = most likely descendant; NAHC = Native American Heritage Commission; National Register = National Register of Historic Places; PRC = Public Resources Code; Project, Proposed Project = Sunset Weir and Pumps Fish Passage Project; SEIR = supplemental environmental impact report; SEWD = Sutter Extension Water District; SRGO = Statewide Restoration General Order; TCP = Traditional Cultural Property; TCR = Tribal cultural resource					
Source: Data compiled by Environmental Science Associates in 2026					

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4.3 Final SRGO Program EIR General Protection Measures, Species Protection Measures, and Mitigation Measures Applicable to the Proposed Project

4.3.1 Final SRGO Program EIR General Protection Measures Applicable to the Proposed Project

- ◆ **GPM-1: Receipt and Copies of All Permits and Authorizations:** Work will not begin until all necessary permits and authorizations have been received (e.g., USACE, USFWS, NMFS, State and Regional Boards, CDFW). The project proponent will ensure that a readily available copy of the applicable agency permits and authorizations (e.g., USFWS Biological Opinion, NMFS Biological Opinion, Section 404 permit, etc.) is maintained by the construction foreman/manager on the project site for the duration of project activities.
- ◆ **GPM-2: Construction Work Windows.** Construction work windows may be required in order to avoid impacts to aquatic resources and associated beneficial uses during the wet season. Project proponents must also follow the applicable Regional Board's construction work windows, unless otherwise approved.
- ◆ **GPM-3: Construction Hours.** Construction activities will generally be limited to daylight hours, to the extent feasible. If nighttime construction is necessary, including in tidally influenced waters where tides may limit daylight access and work schedules, all project lighting (e.g., staging areas, equipment storage sites, roadway, and construction footprint) will be selectively placed and directed onto the roadway or construction site and away from aquatic habitats. Light glare shields will be used to reduce the extent of illumination into aquatic habitats. If the work area is near surface waters, the lighting will be shielded so that it does not shine directly into the water.
- ◆ **GPM-4: Environmental Awareness Training.** For projects occurring in aquatic resources (e.g., wetlands, riparian areas, etc.), prior to engaging existing or new personnel in construction activities, new construction personnel will participate in environmental awareness training conducted by an agency-approved biologist or resource specialist.³ Construction personnel will be informed regarding the identification, potential presence, legal protections, avoidance and minimization measures, and applicable general protection measures for all aquatic resources with the potential to occur within or immediately adjacent to the project site. Construction personnel will be informed of the procedures to follow should aquatic resources be disturbed during construction activities. For projects where the agency-approved biologist or resource specialist is not regularly on the project site, training may be provided via online/web-based meeting with an interactive portion (e.g., web-based or in-person discussion) to be included during remote training sessions. For projects that may continue over an extended duration and require excessive training events, a training video developed under the supervision of the FWS-approved biologist or resource specialist may be used to train new personnel, as long as an FWS-approved biologist or resource specialist is available via phone to answer questions about the training or that may arise during construction.
- ◆ **GPM-5: Environmental Monitoring.** As required in the NOA, a resource specialist will ensure that all applicable protective measures are implemented during project construction. The resource specialist will have authority to stop any work if they determine that any permit requirement is

³ Agency-approved monitor refers to monitors who demonstrate qualifications and can be approved by CDFW, NMFS, and/or USFWS and accepted by approving Water Board.

not fully implemented. The resource specialist will prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

- ◆ **GPM-6: Work Area and Speed Limits.** Construction work and materials staging will be restricted to designated work areas, routes, staging areas, temporary interior roads, or the limits of existing roadways. Prior to initiating construction or grading activities, brightly colored fencing or flagging or other practical means will be erected to demarcate the limits of the project activities, including the boundaries of designated staging areas; ingress and egress corridors; stockpile areas for spoils disposal, soil, and materials; and equipment exclusion zones. Flagging or fencing will be maintained in good repair for the duration of project activities. Vehicles will obey posted speed limits on public roadways and will limit speeds to 20 miles per hour (mph) within the project area on unpaved surfaces and unpaved roads (to reduce dust and soil erosion) or in areas where special-status species have the potential to occur. Speeds greater than 20 mph may be permitted in the project area where special-status species are not expected to occur (e.g., within areas from which special-status species have been excluded) and where there is no risk of generating excessive dust (e.g., surfaces are paved, saturated, or have been treated with other measures to prevent dust).
- ◆ **GPM-7: Environmentally Sensitive Areas** Monitoring, flagging, or fencing will be used, where appropriate, to minimize disturbance to environmentally sensitive areas (e.g., waters and wetlands).

If fencing is used:

- Fencing used must be approved by CDFW and/or USFWS for compatibility with species under their jurisdiction, as applicable, that may occur on site.
 - The agency-approved biologist or resource specialist will determine the location of fencing prior to the start of construction (e.g., between active work area(s) and sensitive resources).
 - Fencing will remain in place throughout the duration of the construction activities and will be inspected and maintained regularly by the agency-approved biologist or resource specialist until completion of the project.
 - Repairs to the fencing will be made within 24 hours of discovering any failure.
 - Fencing will be removed when all construction equipment is removed from the site, the area is cleared of debris and trash, and the area is returned to natural conditions.
- ◆ **GPM-8: Prevent Spread of Invasive Species.** The spread or introduction of invasive exotic plant species by arriving vehicles, equipment, imported gravel, and other materials, will be avoided to the maximum extent possible. When practicable, invasive exotic plants in the project areas will be removed and properly disposed of in a manner that will not promote their spread. Equipment will be cleaned of any sediment or vegetation at designated wash stations before entering or leaving the project area to avoid spreading pathogens or exotic/invasive species. Isolated infestations of noxious weeds identified in the project area will be treated with approved eradication methods at an appropriate time to prevent further formation of seed and destroy viable plant parts and seed. Wash sites must be in confined areas that limit run-off to any surrounding habitat and on a flat grade. Upland areas will use rice straw or invasive species-free local slash/mulch for erosion control, while the remainder of the project area will use certified, weed-free erosion control materials. Mulch must be certified weed-free. The project proponent will follow the guidelines in the CDFW's California Aquatic Invasive Species Management Plan (CDFW 2008) and Aquatic Invasive Species Disinfection/Decontamination Protocols (CDFW 2016), where relevant. Construction supervisors and managers will be educated on weed

identification and the importance of controlling and preventing the spread of noxious weeds. The project proponent will follow any applicable local guidance to prevent the spread of invasive animal species. Construction supervisors and managers will be responsible for implementation of appropriate protocols (e.g., disinfection of equipment and footwear) to prevent the spread of invasive animals.

- ◆ **GPM-9: Practices to Prevent Pathogen Contamination.** The project proponent will review and implement restoration design considerations and best management practices as published by the Working Group for *Phytophthoras* in Native Habitats (www.calphytos.org), when there is a risk of introduction and spread of plant pathogens in site plantings. (<http://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/#restoration>.)
- ◆ **GPM-10: Equipment Maintenance and Materials Storage.** Vehicle traffic will be confined to existing roads and the proposed access route(s). All machinery must be in good working condition, showing no signs of fuel or oil leaks. Oil, grease, or other fluids will be washed off at designated wash stations prior to equipment entering the construction site. Inspection and evaluation for the potential for fluid leakage will be performed daily during construction. Where possible, and where it would not result in greater impact to aquatic resources, no equipment refueling, or fuel storage will take place within 100 feet of a body of water. All fuel and chemical storage, servicing, and refueling will be done in an upland staging area or other suitable location (e.g., barges) with secondary containment to prevent spills from traveling to surface water or drains. Project proponents will establish staging areas for equipment storage and maintenance, construction materials, fuels, lubricants, solvents, and other possible contaminants in coordination with resource agencies. Staging areas will have a stabilized entrance and exit and will be located in upland areas to the extent possible and at least 100 feet from bodies of water unless site-specific circumstances do not provide such a setback or would result in further damage to sensitive resources, in which case the maximum setback possible will be used. Fluids will be stored in appropriate containers with covers and properly recycled or disposed of offsite. Machinery stored on site will have pans or absorbent mats placed underneath potential leak areas as a precautionary measure to further reduce the potential for impact from an unintended or previously undetectable leak.
- ◆ **GPM-11: Material Disposal.** All refuse, debris, unused materials, and supplies that cannot reasonably be secured will be removed daily from the project work area and deposited at an appropriate disposal or storage site. All construction debris will be removed from the project work area immediately upon project completion. The Water Quality and Hazardous Materials measures (below), will be implemented as applicable to ensure proper handling and disposal of hazardous materials.
- ◆ **GPM-12: Fugitive Dust Reduction.** To reduce dust, construction vehicles will be speed restricted as described in GPM-6, *Work Area and Speed Limits* when traveling on non-paved surfaces. Stockpiled materials susceptible to wind-blown dispersal will be covered with plastic sheeting or other suitable material to prevent movement of the material. During construction, water (e.g., trucks and portable pumps with hoses) or other approved methods will be used to control fugitive dust, as necessary. Dust suppression activities must not result in a discharge to waters of the state unless such discharges are approved by the State or Regional Board.
- ◆ **GPM-13: Trash Containment and Removal.** During project activities all trash will be properly contained within sealed containers and removed from the work site and disposed of as necessary to maintain a trash-free work area (e.g., trash containers will not be used beyond capacity and fully close/seal).

- ◆ **GPM-14: Project Cleanup after Completion.** Work pads, temporary falsework, and other construction items will be removed from the 100-year floodplain by the end of the construction window. Removal of materials must not result in discharge to waterbodies.
- ◆ **GPM-15: Revegetate Disturbed Areas.** All temporarily disturbed areas will be de-compacted and seeded/planted with an assemblage of native riparian, wetland, and/or upland plant species suitable for the area. The project proponent will develop a revegetation plan, including (as applicable) a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the project area; invasive species management; performance standards; success criteria; and maintenance requirements (e.g., watering, weeding, and replanting). Plants for revegetation will come primarily from active seeding and planting; natural recruitment may also be proposed if site conditions allow for natural recruitment to reestablish vegetation and avoid potential negative risks associated with erosion and impacts to water quality. Plants imported to the restoration areas will come from local stock, and to the extent possible, local nurseries. Only native plants (genera) will be used for restoration efforts. Certified weed-free native mixes and mulch will be used for restoration planting or seeding. Revegetation activities within and adjacent to waters of the state will commence as soon as is practicable after construction activities at a site are complete.

Staging and Stockpiling of Materials

- ◆ **WQHM-1: Staging Areas and Stockpiling of Materials and Equipment.** Staging, storage, and stockpile areas must be outside of waters of the state. To the extent feasible, staging will occur on access roads or other previously disturbed upland areas, such as developed areas, paved areas, parking lots, areas with bare ground or gravel, and areas clear of vegetation, to avoid aquatic habitats and limit disturbance to surrounding habitats. Similarly, all maintenance equipment and materials (e.g., road rock and project spoil) will be restricted to the existing service roads, paved roads, or other determined designated staging areas. See GPM-10 for more details regarding protection measures for materials storage.

Staging areas will be established for equipment storage and maintenance, construction materials, fuels, lubricants, solvents, and other possible contaminants in coordination with resource agencies. Staging areas will have a stabilized entrance and exit and will be located at least 100 feet from bodies of water unless site-specific circumstances do not provide such a setback, in such cases the maximum setback possible will be used. If an off-road site is chosen and if special-status species are potentially present, the Biological Monitor will survey the selected site to verify that no aquatic resources would be disturbed by staging activities.

Stockpiling of materials, portable equipment, vehicles and supplies (e.g., chemicals), will be restricted to the designated construction staging areas. If rain is predicted in the forecast during the dry season, and stockpiled soils will remain exposed and unworked for more than 7 days, then erosion and sediment control measures must be used. If there is a high-wind scenario (to be defined by the approving Water Board as appropriate for an individual project site), then soils will be covered at all times. During the wet season, no stockpiled soils will remain exposed, unless properly installed and maintained erosion and sediment controls are in place on and around the stockpile. Temporary stockpiling of material onsite will be minimized. Stockpiled material will be placed in upland areas far enough away from aquatic habitats that these materials cannot discharge to a water of the state.

Erosion and Sedimentation Control Measures

- ◆ **WQHM-2: Storm Water Pollution Prevention Plan.** All projects covered by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) will prepare and implement the required, site-specific, storm water pollution prevention plan (SWPPP).
- ◆ **WQHM-3: Erosion and Sediment Control Measures.** For projects that do not require coverage under a NPDES permit per GPM WQHM-2, the project proponent will develop and implement erosion and sediment control measures (or plan), which will include appropriate BMPs to reduce the potential release of water quality pollutants to receiving waters. BMPs may include the following measures:
 - Employ tackifiers, soil binders, or mulch as appropriate for erosion control.
 - Install sediment control measures, such as straw bales, silt fences, fiber rolls, or equally effective measures, at repair areas adjacent to stream channels, drainage canals, and wetlands, as needed. Sediment control measures will be monitored during and after each storm event for effectiveness. Modifications, repairs, and improvements to sediment control measures will be made as needed to protect water quality.
 - No sediment control products will be used that include synthetic or plastic monofilament or cross-joints in the netting that are bound/stitched (such as straw wattles, fiber rolls, or erosion control blankets), and which could trap snakes, amphibians, and other wildlife.

Other Water Quality Measures

- ◆ **WQHM-4: Hazardous Materials Management and Spill Response Plan.** As part of the SWPPP or Erosion Control Plan (WQHM-2 and WQHM-3), project proponent will prepare and implement a hazardous materials management and spill response plan. Project proponent will ensure that any hazardous materials are stored at the staging area(s) with an impermeable membrane between the ground and hazardous material and that the staging area is designed to prevent the discharge of pollutants to groundwater and runoff water. Project proponent will stop work, follow the spill response plan, and arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills. (See WQHM-6. *Accidental Discharge of Hazardous Materials* for accidental discharges of a reportable quantity of a hazardous material, sewage, or an unknown material.) Project proponent will notify regulatory agencies within 24 hours of any leaks or spills. Project proponent will properly contain and dispose of any unused or leftover hazardous products off-site. Project proponent will use and store hazardous materials, such as vehicle fuels and lubricants, in designated staging areas located away from stream channels and wetlands, according to local, state, and federal regulations, as applicable. Also see GPM-10: *Equipment Maintenance and Materials Storage* for more detail on spill prevention.
- ◆ **WQHM-5: In-Water Concrete Use.** A dewatering plan must be submitted and approved by State and/or Regional Boards for in-water concrete use. Where possible, poured concrete should be excluded from contact with surface or groundwater during initial curing, ideally for 30 days after it is poured. During that time, runoff from the concrete will not be allowed to enter surface or groundwater. If this is not feasible due to expected flows and site conditions, commercial sealants that are non-toxic to aquatic life may be applied before it comes into contact with flowing water. Only sealants that have been tested and found non-toxic to freshwater aquatic life, including benthic macro-invertebrates, may be used on concrete surfaces that could come into contact with flowing water. Concrete is considered to be cured when water poured over the surface of concrete consistently has a pH of less than 8.5. (Note: Demonstration of non-toxicity to aquatic life may be evaluated by measuring survival of test organisms in a 96-hour bioassay. The

bioassay should be performed according to the most up-to-date protocols in 40 C.F.R. part 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, 5th Edition (EPA-821-R-02-012), including sample collections, handling, and preservation per U.S. EPA protocols).

- ◆ **WQHM-6. Accidental Discharge of Hazardous Materials.** Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

As soon as (A) discharger has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOESSpill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- Following notification to OES, the discharger will notify the State or Regional Board (and other agencies requiring notification in their respective permits), as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

General In-Water Measures

- ◆ **IWW-1: Appropriate In-Water Materials.** Selection and use of gravels, cobble, boulders, and instream woody materials in streams, and other materials (e.g., oyster shells, other substrates) for reef/bed restoration will be performed to avoid and/or minimize adverse impacts to aquatic resources, special-status aquatic species, and their habitats. On-site gravels will be screened and sorted; gravels imported from a commercial source will be clean-washed and of appropriate size. As necessary to protect aquatic species, placement will be overseen by an agency-approved Monitor; implementation timing will be determined based on the least amount of overlap, or impact on, all aquatic natural resources that may be affected and the timing of their use of the receiving area. Imported gravel from outside the project watershed will not be from a source known to contain historic hydraulic gold mine tailings, dredger tailings, or mercury mine waste or tailings. Materials that may foul or degrade spawning gravels, such as sand or soil eroding from sand bag or earthen dams will be managed to avoid release and exposure in salmonid streams. Oyster shells or other substrates for reef/bed restoration will be cured and inspected to be free of pathogens and/or non-native species.
- ◆ **IWW-2: In-Water Vehicle Selection and Work Access.** If work requires that equipment enter wetlands or below the bank of a waters of the state, equipment with low ground-pressure (typically less than 13 to 20 pounds per square inch (psi)) should be selected where feasible to minimize soil compaction. Low ground-pressure heavy equipment mats should be used if needed to lessen soil compaction. Hydraulic fluids in mechanical equipment working in the waters of the state, will not contain organophosphate esters. Vegetable based hydraulic fluids are preferred, where feasible. The amount of time this equipment is stationed, working, or traveling in the waters of the state will be minimized. All equipment will be removed from the aquatic feature during non-work hours where appropriate or returned to the agency-approved staging area in the aquatic feature.

◆ **IWW-3: In-Water Placement of Materials, Structures, and Operation of Equipment.**

Material used for bank stabilization or in-water restoration will minimize discharge sediment or other forms of waste to waters of the state. Where feasible, construction will occur from the top of the stream bank, or on a ground protection mat underlain with filter fabric, or a barge. All materials placed in streams, rivers or other waters will be nontoxic. Any combination of wood, plastic, cured concrete, steel pilings, or other materials used for in-channel structures will not contain coatings or treatments, or consist of substances toxic to aquatic organisms (e.g., zinc, arsenic, creosote, copper, other metals, pesticides, or petroleum-based products) that may leach into the surrounding environment in amounts harmful to aquatic organisms. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval from State or Regional Board staff:

- All construction activities must be effectively isolated from water flows to minimize the potential for runoff. This may be accomplished by working in the dry season or dewatering the work area in the wet season.
- When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be removed until all disturbed areas are cleaned and stabilized. The diverted water flow must not be contaminated by construction activities.
- All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or divert the water flow (e.g., coffer dam or geotextile silt curtain) must not be removed until all disturbed areas are stabilized.

- ◆ **IWW-4: In-Water Staging Areas and Use of Barges.** Where appropriate and practical, barges will be used to stage equipment and construct the project, while reducing noise, traffic disturbances and effects to terrestrial vegetation. When barge use is not practical, construction equipment and project materials may be staged in designated agency-approved staging areas. Existing staging sites, maintenance toe roads, and crown roads will be used to the maximum extent possible for project staging and access to avoid affecting previously undisturbed areas. For projects that involve in-water work for which boats and/or temporary floating work platforms are necessary, buoys will be installed so that moored vessels will not beach on the shoreline and anchor lines will not drag. Moored vessels and buoys will not be within 25 feet of vegetated shallow waters.

Dewatering Activities and Aquatic Species Relocation

- ◆ **IWW-5: Cofferdam Construction.** Cofferdams may be installed both upstream and downstream, and along portions of the cross section of a channel or other waterway if necessary to isolate the extent of the work areas. When feasible, construction of cofferdams will begin in the upstream area and continue in a downstream direction, allowing water to drain and allowing fish and aquatic wildlife species to leave (under their own volition), from the area being isolated by the cofferdam, prior to closure. The flow will then be diverted only when construction of the upstream dam is completed and the work area has been naturally drained of flow, at this point, the downstream dam, if necessary, would be completed and then flow would be diverted around the work area. Cofferdams and stream diversion systems will remain in place and fully functional throughout the construction period. In order to minimize adverse effects to aquatic species, stream diversions will be limited to the shortest duration necessary to complete in-water work. In-water cofferdams will only be built from materials such as sandbags, plastic, clean gravel (possibly wrapped in impermeable material), rubber bladders, vinyl, steel, or earthen fill, in a manner that minimizes siltation and/or turbidity. Sandbags may only be used to build cofferdams upstream of spawning gravels when filled with clean gravel (or other material acceptable to the

approving Water Board). Where possible, cofferdams should be pushed into place. If pile driving (sheet piles) is required, vibratory hammers should be used and impact hammer should be avoided. If necessary, the footing of the cofferdam will be keyed into the channel bed at an appropriate depth to capture the majority of subsurface flow needed to dewater the streambed. When cofferdams with bypass pipes are installed, debris racks will be placed at the bypass pipe inlet in a manner that minimizes the potential for fish impingement and/or entrapment. As needed and where feasible, bypass pipes will be monitored for accumulation of debris. All accumulated debris will be removed. When appropriate, cofferdams will be removed so surface elevations of water impounded above the cofferdam will not be reduced at a rate greater than one inch per hour. Cofferdams in tidal waters should be removed during the lowest possible tide and in slack water to the extent feasible to minimize disturbance and turbidity. This will minimize the probability of fish and other aquatic species stranding as the area upstream becomes dewatered. All dewatering/diversion facilities will be installed such that natural flow is maintained upstream and downstream of project areas.

An area may need to be dewatered for long enough to allow special-status species to leave on their own before final clearance surveys and construction can begin.

- ◆ **IWW-6: Dewatering/Diversion.** The area to be dewatered will encompass the minimum area necessary to perform construction activities. The project proponent will provide a dewatering plan with a description of the proposed dewatering structures, and appropriate types of BMPs for the installation, operation, maintenance, and removal of those structures. The period of dewatering/diversion will extend only for the minimum amount of time needed to perform the restoration activity and to allow special-status species time to leave on their own before final clearance surveys and construction can begin. Where feasible and appropriate, dewatering/diversion will occur via gravity-driven systems, and where water is pumped from within the construction area, it should be pumped to upland areas (where feasible) and to a location where it can infiltrate without return flows to the watercourse. Dewatering/diversion will be designed to avoid direct and preventable indirect mortality of fish and other aquatic species. If special-status fish species may be present in the area to be dewatered, a fish capture and relocation plan will be developed and implemented for review and approval by appropriate agencies (e.g., CDFW, NMFS, USFWS, as applicable). Stream flows will be allowed to gravity flow around or through the work site using temporary bypass pipes or culverts. Bypass pipes will be sized to accommodate, at a minimum, twice the expected construction-period flow, to not increase stream velocity, and will be placed at stream grade. Conveyance pipe outlet energy dissipaters will be installed to prevent scour and turbidity at the discharge location. When use of gravity-fed dewatering is not feasible and pumping is necessary to dewater a work site, a temporary siltation basin and/or use of silt bags may be required. Silt fences or mechanisms to avoid sediment input to the flowing channel will be installed adjacent to flowing water. Water pumped or removed from dewatered areas will be conducted in a manner that does not contribute turbidity to nearby receiving waters. Where possible, pumps will be refueled in an area well away from the stream channel. Fuel absorbent mats will be placed under the pumps while refueling. Equipment working in the stream channel or within 25 feet of a wetted channel will have a double (i.e., primary and secondary) containment system for diesel and oil fluids.

All work will comply with the CDFW Fish Screening Criteria (CDFW 2001) and NMFS Fish Screening Criteria for Anadromous Salmonids (NMFS 1997). Pump intakes will be covered with mesh per the requirements of current fish screening criteria to prevent potential entrainment of fish or other aquatic species that could not be removed from the area to be dewatered. The pump intake will be checked periodically for impingement of fish or other aquatic species. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Pre-project flows must be

restored to the affected surface water body upon completion of work at that location. Where diversions are planned, contingency plans will be developed that include oversight for breakdowns, fueling, maintenance, leaks, etc.

- ◆ **IWW-8: Removal of Diversion and Barriers to Flow.** Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that will allow flow to resume with the least disturbance to the substrate and consideration of turbidity levels. Alteration of creek beds will be minimized to the maximum extent possible; any imported material that is not part of the project design will be removed from stream beds upon completion of the project.

In-water Pile Driving and Pile Replacement

- ◆ **IWW-9: In-Water Pile Driving Plan for Sound Exposure.** Project proponents will develop a plan for pile-driving activities to minimize impacts to special-status species and submit it to relevant agencies for approval prior to the start of in-water pile driving activities. Measures will be implemented to minimize underwater sound pressure to levels below fish thresholds for peak pressure and accumulated sound exposure levels. Thresholds levels for special-status fish under NMFS jurisdiction are established in the Fisheries Acoustic Work Group's Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities (FAWG 2008) and may be used as a guideline for special-status fish. The plan will describe the least impactful method to aquatic organisms, and will identify the number, type, and size of piles, estimated sound levels caused by the driving, how many piles will be driven each day, qualifications of monitors, any other relevant details on the nature of the pile driving activity, and the actions that will be taken to ensure a project stays within the required sound exposure thresholds.
- ◆ **IWW-10: In-Water Pile Driving Methods.** Pile driving will occur during approved work windows with reduced currents and only during daylight hours. Pile driving will be conducted with vibratory or low/nonimpact methods (i.e., hydraulic) that result in sound pressures below threshold levels to the extent feasible. Applied energy and frequency will be gradually increased until necessary full force and frequency are achieved. If it is determined that impact hammers are required and/or underwater sound monitoring demonstrates that thresholds are being exceeded, the contractor will implement sound dampening or attenuation devices to reduce levels to the extent feasible; these may include the following:
 - A cushioning block used between the hammer and pile.
 - Use of a confined or unconfined air bubble curtain.
 - If feasible, pile driving could be done in the dry area (dewatered) behind the cofferdam.

Pile driving will follow the criteria outlined in the most recent version of the California Department of Transportation's *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish* (Caltrans 2015).

- ◆ **IWW-11: Sediment Containment during In-Water Pile Driving.** Caissons or a continuous length of silt curtain, fully surrounding the pile driving area and installed in close proximity to piers, must be used as necessary and as practicable to protect aquatic resources and to provide sediment containment while construction activities are occurring if working in a wetted channel. The silt curtain will prevent the release of a turbidity plume and trap sediment that may become suspended as a result of the pile driving. The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Where feasible and applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate. The silt curtain must be monitored for damage, dislocation or gaps and

must be immediately repaired where it is no longer continuous or where it has loosened. The silt curtain must restrict the surface visible turbidity plume to the area of pile construction and must control and contain the migration of re-suspended sediments at the water surface and at depth.

- ◆ **IWW-12: Pile-driving Monitoring.** An agency-approved biologist will be on site during pile-driving activities to minimize effects to special-status species that could be present. If any stranding, injury, or mortality to special-status species is observed, federal and state wildlife agencies will be notified in writing (e.g., via email) within 24 hours and in-water pile driving will cease until the applicable federal and/or state agencies provide guidance on how to proceed.

Dredging Operations and Dredge Materials Reuse

- ◆ **IWW-13: Dredging Operations and Dredging Materials Reuse Plan.** Project proponent will develop and implement a dredging operations and dredging materials management plan to minimize the effects that could occur during dredging operations and material reuse and disposal. If material is being imported from off-site or if there are specific concerns about residual contaminants in the soil from historic land use activities (which can be determined on a site-specific basis in collaboration with the approving Water Board), the plan will describe a sampling program for conducting physical and chemical analyses of sediments before import and/or disturbance. It will also describe BMPs to be implemented during dredging operations (e.g., using less intrusive dredging procedures, properly containing dredging spoils and water, using silt curtains, methods to minimize turbidity, and timing dredging activity to coincide with low flows). The plan also will describe methods to evaluate the suitability of dredged material for reuse and disposal.

Vegetation/Habitat Disturbance and Revegetation

- ◆ **VHDR-1: Avoidance of Vegetation Disturbance.** The project proponent will minimize, to the greatest extent feasible, the amount of soil, terrestrial vegetation, emergent native vegetation, and submerged vegetation (e.g., eelgrass and kelp in marine areas, or submerged aquatic vegetation in brackish and freshwater areas) disturbed during project construction and completion and using methods creating the least disturbance to vegetation. Disturbance to existing grades and native vegetation, the number of access routes, the size of staging areas, and the total area disturbed by the project will be limited to the extent of all temporary and permanent impacts as defined by the final project design. All roads, staging areas, and other facilities will be placed to avoid and limit disturbance to waters of the state and other aquatic habitats (e.g., streambank or stream channel, riparian habitat) as much as possible. When possible, existing ingress or egress points will be used and/or work will be performed from the top of the creek banks or from barges on the waterside of the stream or levee bank, or dry gravel beds. Existing native vegetation will be retained as practicable, emphasizing the retention of shade-producing and bank stabilizing trees and brush with greater than 6-inch diameter branches or trunks. Where possible, vegetation disturbance and soil compaction will be minimized by using low ground-pressure (typically less than 13 to 20 pounds psi) equipment that exerts less pressure per square inch on the ground than other equipment. To minimize impacts to vegetation, select equipment with a greater reach.
- ◆ **VHDR-2: Native and Invasive Vegetation Removal Materials and Methods.** If riparian vegetation is to be removed with chainsaws or other power equipment, machines that operate with vegetable-based bar oil will be used, as practicable. All invasive plant species (e.g., those rated as invasive by the California Invasive Plant Council or local problem species) will, if feasible, be removed from the project site, using locally and routinely accepted agriculture practices. Invasive plant material will be destroyed using approved protocols and disposed of at an appropriate upland disposal or compost area. Invasive plant materials stockpiled at sites known to experience flash flooding outside the flood season will be removed within 15 days of the initial

creation of the stockpile in order to contain the potential spread of invasive plant material. Stockpiling of invasive plant materials is prohibited during the flood season.

- ◆ **VHDR-3: Revegetation Materials and Methods.** Upon completion of work, site contours will be returned to preconstruction conditions or to contours specified in a Water Board-approved project design that provides enhanced biological and hydrological functions. Where disturbed, topsoil will be conserved (and watered at an appropriate frequency) for reuse during restoration to the extent practicable. Native plant species comprising a diverse community structure (plantings of both woody and herbaceous species, if both are present) that follow an agency-approved plant palette will be used for revegetation of disturbed and compacted areas, as appropriate. See also GPM-15: Revegetate Disturbed Areas, which also allows for revegetation through natural recruitment (e.g., in tidal and managed wetlands and working landscapes where disturbed areas typically revegetate more quickly through natural recruitment than through seeding). Any area barren of vegetation as a result of project implementation will be restored to a natural state by mulching, seeding, planting, or other means with native trees, shrubs, willow stakes, erosion control native seed mixes, or herbaceous plant species following completion of project construction. Irrigation may also be required in order to ensure survival of containerized shrubs or trees or other vegetation, depending on rainfall. Soils that have been compacted by heavy equipment will be decompacted, as necessary, to allow for revegetation at project completion as heavy equipment exits the construction area.
- ◆ **VHDR-4: Revegetation Erosion Control Materials and Methods.** If erosion control fabrics are used in revegetated areas, they will be slit in appropriate locations as necessary to allow for plant root growth. Only non-monofilament, wildlife-safe fabrics will be used. All plastic exclusion netting placed around plantings will be removed after 2 years or sooner if practicable.
- ◆ **VHDR-5: Revegetation Monitoring and Reporting.** All revegetated areas will be maintained and monitored for a minimum of 2 years after replanting is complete and until success criteria are met, to ensure the revegetation effort is successful. The standard for success is at least 60% absolute cover compared to pre-project conditions at the project site or at least 60% cover compared to an intact, local reference site (or an available reference site accepted by the approving Water Board). If an appropriate reference site or pre-project conditions cannot be identified, success criteria will be developed for review and approval by the approving Water Board on a project-by-project basis based on the specific habitat impacted and known recovery times for that habitat and geography. The project proponent will prepare a summary report of the monitoring results and recommendations at the conclusion of each monitoring year.

Herbicide Use

- ◆ **VHDR-6: General Herbicide Use.** Chemical control of invasive plants and animals will only be used when consistent with water quality control plans (e.g., basin plans) and when other methods are determined to be ineffective or would create greater environmental impacts than chemical control. Chemical use will be evaluated on a project-by-project basis with consideration of (and preference given towards) integrated pest management (IPM) strategies wherever possible. See University of California Statewide IPM Program for guidance documents (<http://ipm.ucanr.edu/index.html>). Broadcast spraying, including the use of aerial drones, may be used if it provides greater application accuracy and access.

Chemical use is restricted in accordance with approved application methods and best management practices designed to prevent exposure to non-target areas and organisms. Any chemical considered for control of invasive species must be approved for use in California, adhere to all regulations per the California Environmental Protection Agency (CEPA 2011 or

most recent version), and be applied by a licensed applicator under all necessary state and local permits. Use herbicides only in a context where all treatments are considered, and various methods are used individually or in concert to maximize the benefits while reducing undesirable effects and applying the lowest legal effective application rate, unless site-specific analysis determines a lower rate is needed to reduce non-target impacts. Treat only the minimum area necessary for effective control. Within 25 feet of any water of the state, only formulations approved by EPA and State Water Board for aquatic use will be utilized. Soil-activated herbicides can be applied as long as directions on the label are followed. Aquatic pesticides will be applied in compliance with NPDES order(s), where applicable (https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/) or with authorization from the approving Water Board.

- ◆ **VHDR-7: Herbicide Application Planning.** Written chemical application recommendations should be provided by each project proponent from a certified Pest Control Advisor (PCA) (CEPA 2011). The PCA can ensure that legal, appropriate, and effective chemicals are used with appropriate methodologies. Field scouting must be done before application, and the licensed Applicator (CEPA 2011) must be on-site to lead all applications and will adhere to standard protection measures for application. Prior to field scouting or application, the PCA or licensed applicator, will receive Environmental Awareness Training (see GPM-4) for the project so that they are aware of special status species and habitats present at the project site.
- ◆ **VHDR-8 Herbicide Application Reporting.** The licensed applicator will keep a record of all plants/areas treated, amounts and types of herbicide used, and dates of application, and pesticide application reports must be completed within 24 hours of application and submitted to applicable agencies for review. Wind and other weather data will be monitored and reported for all application reports.

4.3.2 Final SRGO Program EIR Species Protection Measures Applicable to the Proposed Project

- ◆ **SPM-1: Preconstruction Surveys.** If special-status plants are present and/or special-status terrestrial animal species habitat is present (e.g., stationary habitat such as burrows, bird nests, cavities for bats, etc.), where appropriate, based on project-specific requirements, a qualified, agency-approved biologist with experience on the identification of all applicable life stages of the special-status species will conduct reconnaissance-level preconstruction surveys and implement additional measures, as appropriate, to protect the species from construction-related disturbance before work begins. The intent of the survey is to assess current species habitat and use locations in the project area immediately prior to construction. Special-status plant species surveys shall be conducted in the appropriate blooming period, as applicable, prior to the start of construction for proper plant identification. If construction activities cease for more than five consecutive days, and there is potential for special-status species to re-occupy the site, the agency-approved biologist will re-survey the project area and implement measures, as appropriate. A project proponent can choose to assume animal species presence, forgo preconstruction surveys, and implement additional protection measures, as appropriate, to protect special status species from construction-related disturbance. Additional species guild-specific pre-construction requirements are described below and may supersede this general species protection measure, as applicable.
- ◆ **SPM-2: Environmentally Sensitive Areas and/or Wildlife Exclusion.** Monitoring, flagging, and/or fencing will be used to minimize disturbance to environmentally sensitive areas (e.g., waters and wetlands). This measure augments GPM-7, which applies to sensitive aquatic resources.

If fencing is used:

- The agency-approved biologist or resource specialist will determine the location of the fencing prior to the start of construction (e.g., between active work area(s) and sensitive resources).
 - Fencing will remain in place throughout the duration of the construction activities, and will be inspected and maintained regularly by the agency-approved biologist or resource specialist until completion of the project.
 - Repairs to the fencing will be made within 24 hours of discovery.
 - Fencing will be removed when all construction equipment is removed from the site, and the area cleared of debris and trash, and returned to natural conditions.
- ◆ **SPM-3: Species Protection Construction Work Windows.** Construction work windows may be required, depending on whether or not the project involves in-water construction and/or whether special-status species have potential to occur onsite.
 - ◆ **SPM-4: Species Capture, Handling and Translocation.** Special-status species capture, handling, and translocation will only be conducted by an agency-approved biologist(s). Required permitting will be needed prior to any capture, handling, and relocation. If translocation of special-status species is needed, the project proponent will prepare a special-status species translocation plan to be reviewed and approved by the agency(ies), as appropriate, prior to project implementation. The plan will include capture and translocation methods, translocation site, and post translocation monitoring, if applicable. If capture, handling, and translocation is necessary due to dewatering activities, refer to the protective measures for Dewatering Activities, under general protection measure IWW 6 and follow the agency-approved translocation plan.
 - ◆ **SPM-5: Special-Status Species Entrapment Prevention.** All excavated, steep-walled holes or trenches will be covered with appropriate covers (e.g., thick metal sheets or plywood) at the end of each workday. Covers will be placed so that trench edges are fully sealed with rock bags, sand, or other appropriate material. Alternatively, one or more escape ramps such as fill dirt or wood planking will be installed at an angle no greater than 30 degrees, to allow wildlife to escape. Before holes or trenches are filled, sealed, or collapsed, the holes or trenches will be thoroughly inspected for trapped animals. Any animals discovered will be allowed to escape voluntarily or will be relocated by an agency-approved biologist.
 - ◆ **SPM-6: Airborne Noise Reduction.** Equipment, including noise abatement systems, will be maintained in good working order. If construction noise has the potential to adversely affect special-status species, the project proponent will include site specific measures for construction activities to minimize impacts. Muffler (or spark arrester) damage must be promptly remedied, to the degree practicable, to meet sound attenuation standards.
 - ◆ **REP-1: Pre-Construction Survey.** An agency-approved biologist will conduct pre-construction surveys for the target reptile species within 72 hours prior to any initial ground disturbance within all suitable habitat within or adjacent to the project site and accessible to the project proponent, to identify locations where special-status reptiles may be present, evaluate current activity status in the project area, and protect the species and its habitat from avoidable construction-related disturbance. The intent of this survey is to assess current special-status reptile habitat and use locations in the project area immediately prior to construction. Preconstruction surveys may be phased across a construction site if construction in different areas will occur at different times; only areas where disturbance is imminent need be surveyed. The project area will be re-inspected

by the agency-approved biologist whenever a lapse in construction activity of 5 days or greater has occurred.

- ◆ **REP-2: Environmentally Sensitive and Wildlife Exclusion Area.** Prior to the start of construction, SPM-2, Environmentally Sensitive and Wildlife Exclusion will be implemented. In addition, the following applies:

- For the giant garter snake, fencing and/or monitoring will be implemented in coordination with the agency-approved biologist prior to the start of ground-disturbing activities.

If fencing is used the fencing will be inspected by the agency-approved biologist before the start of each work day and maintained by the project proponent until completion of the project. The fencing will be removed after all construction equipment is removed from those segments of the project. To prevent reptiles from becoming entangled, trapped, or injured, fencing materials that use plastic or synthetic monofilament netting will not be used. Acceptable materials include natural fibers such as jute, coconut, twine, or other similar fibers.

- ◆ **REP-3: Clearing and Grubbing Vegetation.** An agency-approved biologist will be present during all vegetation clearing and grubbing activities in areas where the special-status reptiles are confirmed to occur, or where measures are being implemented based on presence of suitable habitat. Prior to vegetation removal, the agency-approved biologist will thoroughly survey the area for these species. Vegetation in sensitive areas will be cleared by handheld motorized tools (e.g., weed eaters, chainsaws) or hand pulling unless alternate methods are proposed by the project proponent and approved by agency(ies). Tree stumps and roots will be left in place where possible to avoid any ground disturbance and preserve refugia habitat, with the exception of non-native invasive plants that could propagate from remaining vegetative material. Native branches, leaf litter, mulch, woody debris, and other vegetative trimmings may be retained and spread on site to enhance habitat as appropriate.
- ◆ **REP-4: Prohibited Use of Rodenticides.** No rodenticides will be used at the project site during construction in areas that support suitable habitat for special-status reptiles.
- ◆ **REP-5: Species Observations and Encounters.** Each proposed project with the potential to encounter a special-status reptile species will submit a rescue and relocation plan to agency(ies) for review and approval prior to initiating construction. General guidance to be considered during plan development is as follows: 1) leave the uninjured animal if it is not in danger, or 2) move the animal to a nearby location if it is in danger as described in *REP-6, Species Handling and Relocation*, below. These options are further described as follows:
 - When a special-status reptile is encountered in the project area, the priority is to stop all activities in the surrounding area that have the potential to result in the harm, injury, or death of the individual. The agency-approved biologist then needs to assess the situation to select the course of project that will minimize adverse effects to the individual.
 - Avoid contact with the animal and allow it to move out of the project footprint and hazardous situation on its own to a safe location. This guidance only applies to situations where an animal is encountered while moving through habitat and under conditions that will allow it to escape. This does not apply to animals that are uncovered or otherwise exposed or in areas where there is not enough adjacent habitat to support the life history of the special-status reptiles if they move outside the construction footprint.
 - Avoidance is the preferred option if the animal is not moving or is within some sort of burrow or other refugia. In this case, the area will be well marked for avoidance by construction and an agency-approved biologist will be assigned to the area when work is taking place nearby.

If avoidance is not practicable or safe for the special-status reptile, the project proponent will implement REP-6, below.

- ◆ **REP-6: Species Handling and Relocation.** A special-status reptile will only be captured and relocated when it is the only option to prevent its death or injury, and after all attempts to avoid interaction of the species have been exhausted as described in *REP-5, Species Observation and Encounters*. Project-specific rescue and relocation plans will be approved by the agency(ies) prior to starting construction. General guidance for handling and relocation is as follows:
 - If appropriate habitat is located immediately adjacent to the capture location, then the preferred option is short distance relocation to that habitat. A snake will not be moved outside of the area where it could have traveled on its own. Captured snakes will be released in appropriate cover as close to their capture location as possible for their continued safety. Under no circumstances will an animal be relocated to another property without the owner's written permission. It is the project proponent's responsibility to arrange for that permission.
 - The release locations must be pre-identified in the project-specific rescue and relocation plan approved by the agency(ies); they will depend on where the individual was found and the opportunities for nearby release. In most situations the release location is likely to be into the mouth of a small burrow, other suitable refugia, or suitable habitat.
 - Only agency-approved biologists for the project can capture special-status reptiles.
- ◆ **BIRD-1: Habitat Assessment.** A habitat assessment will be conducted by a qualified biologist to determine whether suitable habitat (e.g., including foraging, nesting, and dispersal habitat) for the special-status bird(s) occurs in the project area, as applicable. If suitable habitat for special-status species is identified in the project area and the proposed project may affect suitable habitat, the project proponent will implement measures *BIRD-2* through *5* in areas with suitable habitat. Alternatively, the project proponent may propose to conduct surveys and/or monitoring to confirm presence or absence of the species.
- ◆ **BIRD-2: Nest Protection Work Window.** Project activity in known or potentially occupied migratory bird habitat will be conducted outside of the nesting season to the maximum extent practicable. If project activities must occur during the nesting season see *BIRD-5*.
- ◆ **BIRD-3: Work Area Limits.** Work site boundaries in suitable habitat will be clearly marked with flagging or other visible materials, which will be removed at the conclusion of the project.
- ◆ **BIRD-4: Site Access Restrictions.** If the site conditions allow, access to work sites in occupied habitat will be by foot travel, otherwise heavy equipment will be allowed within suitable nesting habitats only with the presence of an agency-approved biologist. Access routes and work areas will be limited to the minimum amount necessary to achieve the project goals.
- ◆ **BIRD-5: Monitoring.** If project activities must occur during the nesting season, pre-construction nest surveys will be conducted by an agency-approved biologist, buffers will be established to protect active nests, and disturbance in the vicinity of active nests will be monitored to ensure that it does not disrupt an active nest.
- ◆ **MAM-1: Conduct Habitat Assessment.** Prior to construction, an agency-approved biologist will conduct a habitat assessment in potentially suitable habitat within the project footprint to determine presence of special-status mammals or their sign (e.g., scat, guano, tail drags and tracks, skeletal remains in owl pellets, etc.). The habitat assessment surveys will be conducted within 2 years, and at least 14 days prior to the start of construction or ground disturbing

activities. If no burrows or sign of special-status mammals are detected, no further measures will be required.

- ◆ **MAM-2: Avoidance Areas.** Based on the results of the habitat assessment, in areas where special-status mammals are believed to be present based on observations (e.g., signs of presence, burrows), non-disturbance zones will be established prior to construction or ground disturbing activities.
- ◆ **MAM-3: Use of Handheld Tools.** If exclusion fencing will be installed, vegetation in active work areas outside of the exclusion areas will be trimmed and cleared to the ground using handheld tools (which can include handheld motorized equipment, such as weed whackers or mowers) to the maximum extent practicable, under the supervision of an agency-approved biologist, to discourage presence of species in the construction area.
- ◆ **MAM-4: Species Trapping and Relocating.** If the minimum avoidance zone cannot be maintained and the agency-approved biologist believes activities will disturb or destroy habitat (e.g., collapse burrows) or may otherwise adversely affect these special-status mammal species, then an agency-approved biologist may be required to implement a trap and release program at the agency's discretion. Project-specific guidance on trapping, temporary holding, release location, and release method will be required by the agency prior to the start of trapping.
- ◆ **MAM-5: Reporting Requirements.** Agencies will be notified within 24 hours if any individual special-status species is captured. The date; time of capture; specific location (GPS coordinates); and approximate size, age, and health of the individual will be recorded and provided in both hard copy and digital format to the agency(ies) within 2 weeks of the conclusion of the protective trap-and-release operation.

The agency(ies) will be notified within 24 hours if any special-status mammal species is found injured or dead. A written notification will also be prepared by the project proponent after verbal notification to the agency(ies). The report will include the date, time, and location of the discovered animal/carcass; cause of injury or death; and any other pertinent information. All dead and preserved specimens will be submitted to the appropriate agency(ies) upon request. Salvaged animals will be kept cooled or frozen until delivered.

- ◆ **INVERT-3: Implement Valley Elderberry Longhorn Beetle Protocol.** Implement the following measures for projects that include suitable habitat that could be occupied by valley elderberry longhorn beetle (VELB), as applicable.
 - For the VELB, the project proponent will be required to follow the Protection Measures presented in the *May 2017 FWS Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* or the most updated version of this guideline document (USFWS 2017).
- ◆ **FISH-1: Habitat Disturbance Avoidance and Minimization.** Disturbance to aquatic habitat for special-status fish species will be avoided and/or minimized to the maximum extent practicable unless the purpose of the project is to provide overall benefits to the species and the benefits are greater than any temporary impacts to habitat.
- ◆ **FISH-2: Habitat Assessment and Surveys.** For projects that may result in impacts to aquatic habitat within the range of special-status fish species, no less than 30 days prior to construction of the project, the project proponent will evaluate the potential for special-status fish species to be present in the project area. The evaluation may be based on existing information if sufficiently available, or the project proponent may conduct a habitat assessment or focused survey for those species, if appropriate. The habitat assessment and/or survey will be conducted in potentially suitable aquatic habitat within 300 feet of the project area. The agency-approved biologist will

conduct the habitat assessment and/or fish survey and will adhere to the standards provided in the CDFW *California Salmonid Stream Habitat Restoration Manual 4th Edition Volume I: Section IV* (CDFW 2010) or most current regulatory agency guidance document. If special-status fish species are observed during the survey or the habitat is otherwise potentially occupied, based on the results of the habitat assessment or existing information, the project proponent will implement *FISH-3, Fish Capture and Relocation*, as described below.

- ◆ **FISH-3: Fish Capture and Relocation.** For projects that require dewatering or other work in suitable habitat for the special-status fish species, if fish capture and relocation would be the most protective approach to managing fish during construction, then a fish capture and relocation plan will be developed and submitted to NMFS, USFWS, and/or CDFW, as applicable, for approval. The plan will describe the biologist qualifications, capture methods, capture and relocation work areas, and reporting requirements including details in the list below. If capture and relocation is not feasible or would not be the most protective approach to managing fish in the work area (e.g., if dewatering is not needed or appropriate; or if fish are in a large, unconfined water body), other methods to protect covered fish species (e.g., timing restrictions around season and tide, or bubble curtains) should be detailed in a plan and submitted to FWS for approval.
 - This plan will incorporate the latest agency guidance relating to the capture and relocation of fish, as applicable.
 - Procedures for decontamination of any equipment used in the capture and relocation of fish will be identified.
 - Prior to the implementation of capture and relocation activities, relocation (or release) sites will be identified by the agency-approved biologist based on proximity, access, habitat suitability, and potential to be affected by construction-related disturbance. Suitable habitat for relocation site(s) will be within the same watershed/sub-watershed fish were originally captured.
 - Fish relocation will only be conducted (or led) by an agency-approved biologist. If an agency-approved biologist is needed, the project proponent will submit the biologist's qualifications to the appropriate agency office for approval 30 days prior to project construction. The biologist will have knowledge and experience in fish biology and ecology, fish/habitat relationships, and biological monitoring, and handling, collecting, and relocating fish or other relevant experience.
 - Residual surface water associated with the diverted or dewatered habitat will be monitored or sampled for the presence of fish by an agency-approved biologist as soon as the waters are isolated. If a special-status fish is observed in the isolated habitat, they will be immediately captured and relocated to the suitable habitat outside of the construction area, but within the same watershed/sub-watershed, by the agency-approved biologist in accordance with the approved fish capture and relocation plan.
 - The agency-approved biologist will relocate any special-status fish species that may become stranded to an appropriate place depending upon the life stage of the fish, consistent with the approved rescue and relocation plan.
 - The agency-approved biologist will note the number of individuals observed in the affected area, the number of individuals relocated, the approximate size of individuals, the location of capture and release, any instances of injury or mortality, and the date and time of the collection and relocation. The agency-approved biologist will also identify and record the species observed and relocated and the life stage for anadromous species. This information

will be reported to the appropriate agency office within 7 days of completion of the fish capture and relocation effort.

- One or more of the following methods will be used to capture protected fish species: electrofishing, dip net, seine, throw net, minnow trap, and hand capture.
- ◆ **FISH-4: Reporting.** An agency-approved biologist will provide a written summary of work performed (including biological survey and monitoring results), protection measures implemented (e.g., use of biological monitor, flagging of work areas, erosion and sedimentation controls) and supporting photographs of each stage to the appropriate agency office. Furthermore, the documentation describing surveys and re-location efforts (if appropriate) will be completed in accordance with the requirements of FISH-3: *Fish Capture and Relocation*.
- ◆ **PLANT-1: Habitat Assessment and Surveys.** If the project area can potentially support special-status plant species, an agency-approved biologist will conduct a survey for special-status plant species within 1 year prior to commencement of ground-disturbing activities. Surveys should follow USFWS's *General Rare Plant Survey Guidelines* (USFWS 2002); and CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (2018) or their most recent equivalents.
- ◆ **PLANT-2: Seasonal Avoidance of Vernal Pool Plant Species and Other Annual and Perennial Species:**
 - *For Vernal Pool Plant Species:* Work within 250 feet of suitable special-status vernal pool plant habitat (e.g., vernal pools, seasonal wetlands) will be performed under dry site conditions to the maximum extent possible, to minimize potential adverse impacts to aquatic habitats. If any construction activities must occur during the wet period, exclusion fencing and erosion control materials will be placed around vernal pools and other seasonal wetlands as determined by the agency-approved biologist to reduce sedimentation into vernal pool habitat. The fencing will provide a buffer between construction activities and the vernal pools and other seasonal wetlands. The agency-approved biologist will oversee, monitor, inspect and maintain the exclusion fencing.
 - *For Other Annual Plant Species:* To avoid impacts to other annual species, schedule work to occur after plants have set seed and senesced, avoid soil disturbance, and avoid actions that have potential to reduce habitat quality.
- ◆ **PLANT-3: Exclusion Buffer Establishment.** An agency-approved biologist will clearly delineate with flagging or other field markers a minimum 50-foot avoidance buffer around all special-status plants or their suitable habitat. A larger exclusion buffer may be established if determined by the agency-approved biologist to be necessary for the protection of the special-status plants. No work activity will occur within the exclusion buffer, except as permitted under Measure *PLANT-4, Work Restrictions in the Exclusion Buffer*. Additionally, a buffer of at least 300 feet from any vernal pool, vernal pool grassland, or seasonal wetland will be established for the protection of special status plants.
- ◆ **PLANT-4: Work Restrictions in the Exclusion Buffer.** If agency-approved biologist determines that some work activities can take place within the exclusion buffer described in Measure PLANT-3 without causing any adverse direct or indirect impacts to special-status plants identified for avoidance, those approved work activities may be conducted within the exclusion buffer. Special-status vernal pool plants will be clearly marked by an agency-approved biologist prior to worker entry into the exclusion buffer. Workers may only enter the exclusion buffer when

accompanied by an agency-approved biologist, and all work within the exclusion buffer will be monitored by an agency-approved biologist.

- ◆ **PLANT-6: Herbicide Application, Clearing, and Ground Disturbance.** If mechanical removal is not effective, or could damage sensitive habitats, limited herbicide application may occur as noted below and in accordance with General Protection Measures VHDR-6 through VHDR-8, wind speed limitations during herbicide application.

To avoid impacts to other special-status species (non-vernal pool species), the following protections will be applied:

- Application of herbicide will occur during dry conditions (no precipitation), to the maximum extent practicable.
- Backpack and hand-held herbicide application, if applied in dry conditions, is prohibited within 5 feet of any special-status plant. Protect special-status plants from herbicide drift (e.g., cover with plastic when spraying or use a wick applicator).
- Broadcast and power spray herbicide application is prohibited; and
- Ground disturbing activities are prohibited within 5 feet of senesced annual and perennial plants and within 10 feet of perennial plants. Ground disturbance should occur outside of the dripline of any woody species identified for avoidance.

4.3.3 Final SRGO Program EIR Mitigation Measures Applicable to the Proposed Project

Mitigation Measure AES-1: Minimize Degradation of Visual Quality

- Use compatible colors for proposed structural features, such as fish screens and storage tanks. Use earth tone paints and stains with low levels of reflectivity.
- Minimize the vertical profile of proposed structures as much as possible.
- Use vegetation plantings on proposed facility walls, such as climbing plants, espaliers, and other forms that soften the appearance of structures.
- Provide vegetative screening to soften views of structures. Landscaping should complement the surrounding landscape.

Mitigation Measure AES-2: Avoid Effects of Project Lighting

- Proposed lighting facilities shall use shields, and lighting shall be directed downward

Mitigation Measure AIR-1: Minimize Conflicts with Applicable Air Quality Plans

Proponents of restoration projects permitted under the Order and their construction contractors shall implement the following measures to minimize conflicts between project construction and applicable air quality plans:

- Use equipment and vehicles that comply with CARB requirements and emission standards for on-road and off-road fleets and engines. New engines and retrofit control systems should reduce NOx and PM emissions from diesel-fueled on-road and off-road vehicles and equipment.
- Minimize idling times, either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control

measure, Title 13, Section 2485 of the California Code of Regulations). Clear signage should be posted for construction workers at all entrances to the site.

- Maintain all equipment in proper working condition according to the manufacturer's specifications.
- Use electric equipment when possible. Use lower emitting alternative fuels to power vehicles and equipment where feasible.
- Use low-volatile organic compound (VOC) coatings and chemicals; minimize chemical use.

Mitigation Measure AIR-2: Minimize Construction Air Pollutant Emissions

Air quality analyses prepared for future restoration projects shall evaluate human health risks from potential exposures of sensitive receptors to substantial pollutant concentrations from the projects. The need for a human health risk analysis should be evaluated using approved screening tools, and discussed with the local air quality management district or air pollution control district during the preparation of the air quality analysis.

If the project's health risk is determined to be significant, control measures should be implemented to reduce health risks to levels below the applicable air district threshold.

Implementation of one or more of the following requirements, where feasible and appropriate, would reduce the effects of construction:

- Use equipment with diesel engines designed or retrofitted to minimize DPM emissions, usually through the use of catalytic particulate filters in the exhaust.
- Use electric equipment to eliminate local combustion emissions.
- Use alternative fuels, such as compressed natural gas or liquefied natural gas.

If the restoration project would result in significant emissions of airborne, naturally occurring asbestos, or metals from excavation, hauling, blasting, tunneling, placement, or other handling of rocks or soil, a dust mitigation and air monitoring plan shall identify individual restoration project measures to minimize emissions and ensure that airborne concentrations of the TACs of concern do not exceed regulatory or risk-based trigger levels.

Mitigation Measure AIR-3: Minimize GHG Emissions

Restoration projects permitted under the Order shall implement the GHG mitigation measures listed in the most recent air district guidance documents (e.g., CAPCOA 2010; BAAQMD 2011), as appropriate for the project site and conditions. Current versions of such guidance documents list the following for construction of projects:

- Use alternative fuels for construction equipment.
- Use electric and hybrid construction equipment.
- Limit construction equipment idling beyond regulatory requirements.
- Institute a heavy-duty off-road vehicle plan.
- Implement a construction vehicle inventory tracking system.
- Use local building materials for at least 10 percent of total materials.
- Recycle or reuse at least 50 percent of construction waste or demolition materials.

Mitigation Measure CUL-3: Implement Measures to Protect Archaeological Resources during Project Construction or Operation

If archaeological resources are encountered during project construction or operation of any project permitted under the Order, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. The lead agency and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the discovery and notify the lead agency of their initial assessment. If the qualified archaeologist determines that the resource is or is potentially indigenous in origin, the lead agency shall consult with culturally affiliated California Native American Tribes to assess the find and determine whether it is potentially a tribal cultural resource.

If the lead agency determines, based on recommendations from the qualified archaeologist and culturally affiliated California Native American Tribes, that the resource is indigenous, that the resource may qualify as a historical resource (per State CEQA Guidelines Section 15064.5), unique archaeological resource (per PRC Section 21083.2), or tribal cultural resource (per PRC Section 21074), then the resource shall be avoided if feasible. If avoidance of an identified indigenous resource is not feasible, the lead agency shall consult with a qualified archaeologist, culturally affiliated California Native American Tribes, and other appropriate interested parties to determine treatment measures to minimize or mitigate any potential impacts on the resource pursuant to PRC Section 21083.2 and State CEQA Guidelines Section 15126.4. If any such resources are on or in the tide and submerged lands of California, this process shall also include coordination with the California State Lands Commission. Once treatment measures have been determined, the lead agency shall prepare and implement an archaeological (and/or tribal cultural) resources management plan that outlines the treatment measures for the resource. Treatment measures typically consist of the following steps:

- Determine whether the resource qualifies as a historical resource (per State CEQA Guidelines Section 15064.5), unique archaeological resource (per PRC Section 21083.2), or tribal cultural resource (per PRC Section 21074) through analysis that could include additional historical or ethnographic research, evaluative testing (excavation), or laboratory analysis.
- If it qualifies as a historical resource (per State CEQA Guidelines Section 15064.5) and/or unique archaeological resource (per PRC Section 21083.2), implement measures for avoiding or reducing impacts such as the following:
 - Modify the project to avoid impacts on resources.
 - Plan parks, green space, or other open space to incorporate resources.
 - Recover the scientifically consequential information from the archaeological resource before any excavation at the resource's location. This typically consists of (but is not necessarily limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the resource to be affected by the project.
 - Develop and implement interpretive programs or displays.
- If it qualifies as a tribal cultural resource (per PRC Section 21074) implement measures for avoiding or reducing impacts such as the following:
 - Avoid and preserve the resource in place through measures that include but are not limited to the following:

- Plan and construct the project to avoid the resource and protect the cultural and natural context.
 - Plan greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria.
- Treat the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, through measures that include but are not limited to the following:
 - Protect the cultural character and integrity of the resource.
 - Protect the traditional use of the resource.
 - Protect the confidentiality of the resource.
- Implement permanent conservation easements or other interests in real property, with cultural appropriate management criteria for the purposes of preserving or using the resource or place.

Mitigation Measure CUL-4: Implement Measures to Protect Human Remains during Project Construction or Operation. If human remains are encountered during construction or operation and maintenance of any project permitted under the Order, all work shall immediately halt within 100 feet of the find and the lead agency shall contact the appropriate county coroner to evaluate the remains and follow the procedures and protocols set forth in State CEQA Guidelines Section 15064.5(e)(1). If human remains encountered are on or in the tide and submerged lands of California, the lead agency shall also contact the California State Lands Commission. If the coroner determines that the remains are Native American in origin, the appropriate county shall contact the California Native American Heritage Commission, in accordance with California Health and Safety Code Section 7050.5(c) and PRC Section 5097.98. Per PRC Section 5097.98, the project's lead agency shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the lead agency has discussed and conferred, as prescribed PRC Section 5097.98, with the most likely descendants and the property owner regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Mitigation Measure GEO-1: Include Geotechnical Design Recommendations

To minimize potential impacts from seismic events and the presence of adverse soil conditions, lead agencies shall ensure that geotechnical design recommendations are included in the design of facilities and construction specifications. Recommended measures to address adverse conditions shall conform to applicable design codes, guidelines, and standards.

Mitigation Measure GEO-3: Conduct Individual Restoration Project Geotechnical Investigation and Report

When a restoration project involves and warrants consideration of geotechnical factors and/or constraints (e.g., work on flood control levees, work in areas with certain soil types subject to liquefaction), the project proponent shall conduct and prepare a geotechnical report to address potential issues and concerns. The geotechnical report shall include a quantitative analysis to determine whether excavation or fill placement would result in a potential for damage due to soil subsidence during and/or after construction. Project designs shall incorporate measures to reduce the potential damage to a less-than-significant level. Measures shall include but not be limited to:

- Removal and recompaction of existing soils susceptible to subsidence

- Ground improvement (such as densification by compaction or grouting, soil cementation)
- Reinforcement of structural components to resist deformation due to subsidence

The assessment of subsidence for specific projects shall analyze the individual restoration projects potential for and severity of cyclic seismic loading. A geotechnical investigation shall also be performed by an appropriately licensed professional engineer and/or geologist to determine the presence and thickness of potentially liquefiable sands that could result in loss of bearing value during seismic shaking events. Project designs shall incorporate measures to mitigate potential damage to a less-than-significant level. Measures shall include but not be limited to:

- Ground improvement (such as grouting or soil cementation)
- Surcharge loading by placement of fill, excavation, soil mixing with non- liquefiable finer-grained materials, and replacement of liquefiable materials at shallow depths
- Reinforcement of structural components to resist deformation due to liquefaction

An analysis of individual restoration projects probable and credible seismic acceleration values, conducted in accordance with current applicable standards of care, shall be performed to provide for a suitable project design. Geotechnical investigations shall be performed, and geotechnical reports shall be prepared in the responsible care of California licensed geotechnical professionals including professional civil engineers, certified geotechnical engineers, professional geologists, certified engineering geologists, and certified hydrogeologists, all of whom practice within the current standards of care for such work.

Mitigation Measure GEO-4: Adhere to International Building Code

Constructed facilities shall be required to adhere to the current approved version of the International Building Code (IBC), and to comply with the IBC for critical structures (e.g., levees).

Mitigation Measure GEO-6: Implement Measures for Waterway Construction Activities

For projects that involve the engineered subsurface structural components (e.g., of surface impoundments, levees, bridge footings/abutments) project design shall provide for protection from leakage to the subsurface. Measures could include but are not limited to rendering concrete less permeable by specifying concrete additives such as bentonite, designing impermeable liner systems, designing leakage collection and recovery systems, and constructing impermeable subsurface cutoff walls.

For restoration projects that could cause subsurface seepage of nuisance water onto adjacent lands, the following measures shall be implemented:

- Perform seepage monitoring studies by measuring the level of shallow groundwater in the adjacent soils, to evaluate baseline conditions. Continue monitoring for seepage during and after project implementation.
- Develop a seepage monitoring plan if subsurface seepage constitutes nuisance water on the adjacent land.

If it is determined that seepage from the restoration project is responsible for making adjacent lands not usable, implement seepage control measures, such as installing subsurface agricultural drainage systems to avoid raising water levels into crop root zones. Cutoff walls and pumping wells can also be used to mitigate the occurrence of subsurface nuisance water.

Mitigation Measure GEO-7: Implement Measures for Levee Construction and Other Fill Embankment Designs

For projects that involve the construction of setback levees, surface impoundments, and other fill embankments, the project design shall place fill in accordance with state and local regulations and the prevailing standards of care for such work. Measures could include but are not limited to blending the soils most susceptible to landsliding with soils that have higher cohesion characteristics; installing slope stabilization measures; designing top-of-slope berms or v-ditches, terrace drains, and other surface runoff control measures; and designing slopes at lower inclinations.

Mitigation Measure GEO-8: Assess the Presence of Highly Organic Soils

For projects that would result in a significant or potentially significant risk to structures because of the presence of highly organic soils, the lead agencies shall require a geotechnical evaluation before construction to identify measures to mitigate organic soils. The following measures may be considered:

- Over-excavation and import of suitable fill material.
- Structural reinforcement of constructed works to resist deformation.
- Construction of structural supports below the depth of highly organic soils into materials with suitable bearing strength.

Mitigation Measure GEO-9: Conduct a General Project-Level Analysis

Restoration projects implemented by other public proponents under the Order would be required to do a desktop search on whether the project site would be located in a paleontological sensitive unit. If the project site was determined to be located on a paleontological sensitive unit, then Mitigation Measure GEO-9 (and Mitigation Measure GEO-10, as applicable) would be implemented. If restoration projects implemented under the Order fall outside a paleontological sensitive unit, GEO-9 (and Mitigation Measure GEO-10) would be not be required.

During project development and project-level analysis, a paleontological resource monitoring and recovery plan shall be developed and implemented for all actions determined by the project proponent to be located on a paleontological sensitive unit. The plan shall include protocols for paleontological resources monitoring in areas where construction-related excavation would affect sediment with moderate to high paleontological sensitivity.

The paleontological resource monitoring and recovery plan shall provide guidelines for the establishment of a yearly or biannual monitoring program led by a qualified paleontologist to determine the extent of fossiliferous sediment being exposed and affected by erosion, and determine whether paleontological resources are being lost. If the loss of scientifically significant paleontological resources is documented, then a recovery program should be implemented.

Mitigation Measure GEO-10: Conduct Worker Training

For projects that are determined to have moderate to high paleontological sensitivity, before the start of any ground-disturbing activity (e.g., excavation or clearing), a qualified paleontologist shall prepare paleontological resources sensitivity training materials for use during project worker environmental training or equivalent. This training shall be conducted by a qualified environmental trainer under the supervision of the qualified paleontologist. For restoration projects that involve construction crew phases, additional trainings shall be conducted for new construction personnel. The paleontological resource sensitivity training shall focus on the types

of resources that could be encountered within the individual restoration project site and the procedures to follow if they are found. Project proponents and/or project contractors shall retain documentation demonstrating that all construction personnel attended the paleontological resource sensitivity training before the start of work on the site, and shall provide documentation to the project manager upon request.

Mitigation Measure HAZ-1: Prepare and Implement a Health and Safety Plan and Provide Qualified Oversight of Fill Removal Related to Earthmoving Activities

The following measures shall be implemented before and during construction of any restoration project permitted under the Order:

- A health and safety plan for the project shall be developed and implemented. This plan shall clearly notify all workers of the potential to encounter hazardous materials during ground-disturbing work and other construction activities. The plan shall identify proper handling and disposal procedures for contaminants expected to be on-site and shall provide maps and phone numbers for local hospitals and other emergency contacts. Construction workers shall comply with all protocols outlined in the health and safety plan throughout project implementation.
- Any hazardous materials being stored in the project area and not needed for construction activities shall be removed and disposed of at appropriately permitted locations before construction. A qualified professional (e.g., geologist or engineer) shall oversee fill excavation activities and work in potential project areas that contain abandoned underground storage tanks requiring removal, to properly identify any contaminated soils that may be present. Excavation of underground storage tanks must comply with county ordinances and policies. If contaminated soils are found, Mitigation Measure HAZ-2 shall be implemented.
- Removal of underground storage tanks associated with the restoration project shall include measures to ensure their safe transport and disposal. Remediation actions, if necessary, shall be defined in consultation with the local Regional Board and implemented during construction.

Mitigation Measure HAZ-2: Notify Appropriate Federal, State, and Local Agencies If Contaminated Soils Are Identified, and Complete Recommended Remediation Activities

The following measures shall be implemented before construction of any restoration project permitted under the Order if contaminated soils are found on the project site:

- The appropriate federal, state, and local agencies shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during construction activities. Any contaminated areas shall be cleaned up in accordance with the recommendations of the Regional Board, DTSC, or other appropriate federal, state, or local regulatory agencies.
- A site plan shall be prepared for the remediation activities appropriate for the proposed land uses, including excavation and removal of on-site contaminated soils, and needed redistributions of clean fill material on the study area. The plan shall include measures to ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. If ground-disturbing activities encounter contaminated groundwater, the construction contractor shall report the contamination to the appropriate agencies, dewater the area, and treat the groundwater to remove the contaminants before discharge into the sanitary sewer system. The construction contractor shall comply with the plan and applicable federal, state, and local laws. The plan shall outline specific procedures for handling and reporting of

hazardous materials, and for disposing of hazardous materials removed from the site at an appropriate off-site facility.

Mitigation Measure HAZ-3: Notify Appropriate Federal, State, and Local Agencies If Accidental Discharges of Hazardous Materials Occur

Following an accidental discharge of a reportable quantity of a hazardous material or an unknown material, the appropriate federal, state, and local agencies shall be notified. Any contaminated areas shall be cleaned up in accordance with the recommendations of the Regional Board, DTSC, or other appropriate federal, state, or local regulatory agencies.

Mitigation Measure NOISE-1: Minimize Noise Conflicts

The following measures shall be implemented during construction of any restoration project permitted under the Order:

- Noise-generating activities shall follow the applicable general plan and/or noise ordinances for the jurisdiction located within the vicinity of the project.
- Construction equipment shall be located away from sensitive receptors, to the extent feasible, to reduce noise levels below applicable local standards.
- Construction equipment shall be maintained to manufacturers' recommended specifications, and all construction vehicles and equipment shall be equipped with appropriate mufflers and other approved noise-control devices.
- Idling of construction equipment shall be limited to the extent feasible to reduce the time that noise is emitted.
- An individual traffic noise analysis of identified haul routes shall be conducted and mitigation, such as reduced speed limits, shall be provided at locations where noise standards cannot be maintained for sensitive receptors.
- The project shall incorporate the use of temporary noise barriers, such as acoustical panel systems, between construction activities and sensitive receptors if it is concluded that they would be effective in reducing noise exposure to sensitive receptors.

Mitigation Measure TRA-1: Prepare Construction Traffic Management Plan

Before construction begins, the construction manager shall have a qualified professional prepare a construction traffic management plan. The plan shall provide the appropriate measures to reduce potential traffic obstructions or service level degradation at affected traffic facilities. The scope of the construction traffic management plan will depend on the type, size, and duration of the specific qualifying restoration project under the Order. The plan could include such measures as construction signage, flaggers for lane closures, and construction schedule and/or delivery schedule restrictions. The plan shall be submitted to the local public works department and implemented as appropriate throughout construction.

Mitigation Measure TRA-2: Prepare Waterway Traffic Control Plan

A waterway traffic control plan shall be prepared before project construction begins. The plan shall be followed throughout construction to ensure that vessels can navigate safely and efficiently during construction. The plan shall identify vessel traffic control measures to reduce congestion and navigation hazards to the extent feasible. Construction zones in waterways shall be barricaded or guarded by readily visible barriers or other effective measures to warn boaters of their presence and restricted access. Warning devices and signage shall comply with the

California Uniform State Waterway Marking System and shall be operational during nighttime hours and periods of dense fog.

Mitigation Measure TRA-3: Develop Channel Closure Plan for Affected Facilities

Before construction begins in areas where temporary partial waterway closure is necessary, a temporary channel closure plan shall be developed. The plan shall identify alternative detour routes and procedures for notifying boaters of construction activities and partial closures including coordination with the U.S. Coast Guard, local boating organizations, and marinas. The channel closure plan shall be implemented as appropriate throughout construction.

Mitigation Measure TRA-4: Reduce Project Effects on Boat Passage and Transit Facilities

To the extent feasible, the following actions shall be implemented to reduce impacts of project construction on boat passage and transit facilities:

- To the extent feasible, ensure that safe boat access to public launch and docking facilities, businesses, and residencies is maintained.
- Coordinate with transit system operators, as appropriate, to establish alternative transit system routes to be rerouted during construction.
- Provide boat passage as an integral component of operable gate facilities, and design such facilities to provide uninterrupted boat passage when the gates are in the “up” position. Floating docks with mooring bits shall be provided along the shoreline on both sides of the boat passage facilities for boaters to use while waiting.
- Before construction begins in areas where bridge closure may be necessary, develop a traffic plan that identifies traffic control measures to reduce congestion and provide alternative routes.

Mitigation Measure TRA-6: Reduce Emissions

To comply with State CEQA Guidelines Section 15064.3(b), the following measures shall be taken to reduce effects associated with increased VMT [vehicle miles traveled]:

- Limit idling time for commercial vehicles, including delivery and construction activities.
- Use low- or zero-emissions vehicles, including construction vehicles.
- Institute a heavy-duty off-road vehicle plan and a construction vehicle inventory tracking system for construction projects.
- Promote ridesharing.
- Provide the necessary facilities and infrastructure to encourage the use of low- or zero-carbon emissions vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
- Increase the cost of driving and parking private vehicles, such as by imposing tolls and parking fees.
- Provide a shuttle service to public transit and worksites.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions.

Mitigation Measure TRA-7: Conduct Routine Inspections

An inspection and operation plan shall be developed and implemented, where applicable. The plan shall include procedures for routine inspections and facility operation to allow safe navigation should the facility become damaged or malfunctions. This plan shall include the following specific components:

- Routine inspections and correction procedures to ensure that facility safety features are in good working order.
- Routine inspections and correction procedures for navigational hazards around facilities, including floating or submerged debris and the formation of shoals.

Mitigation Measure TRA-8: Repair Damaged Roadways and Trails Following Construction

- If damage to roads, sidewalks, trails, and/or medians occur, the construction contractor shall coordinate with the affected project proponents to ensure that any impacts are adequately repaired in accordance with applicable agency standards. Roads and/or driveways disturbed by construction activities or construction vehicles shall be properly restored to ensure long-term protection of road surfaces. Roadside drainage structures and road drainage features (e.g., rolling dips) shall be protected by regrading and reconstructing roads to drain properly. The construction contractor shall work with the applicable agencies to document preconstruction conditions of road features before the start of construction.

Mitigation Measure TCR-1: Conduct Inventory and Significance Evaluation of Tribal Cultural Resources with Tribes that are Culturally and Geographically Affiliated with the Project Vicinity

Before implementation of any project permitted under the Order, the following shall be conducted: consultation with California Native American Tribes pursuant to PRC Section 21080.3; a cultural resources records search; a California Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search; and an inventory and significance evaluation of tribal cultural resources identified that could be impacted by the project. These tasks shall be conducted as follows.

- Project proponent shall submit an NAHC SLF & Native American Contacts List Request at the initial stages of project development (or as early as practicable) to determine if a project would have an impact on tribal cultural resources.
- Project proponent shall coordinate with the approving Water Board or other CEQA lead agency, if applicable, as soon as possible to identify California Native American Tribes that are traditionally and culturally affiliated to a project area. The CEQA lead agency shall then conduct Tribal consultation, pursuant to PRC Section 21080.3, and as soon as practicable during early design, with such Tribes to determine whether any tribal cultural resources could be affected by the project. Consultation will include discussion regarding project design, cultural resources surveys, identification of tribal cultural resources, protocols for construction monitoring, and any other Tribal concerns. Construction of the project will not commence until the approving Water Board or other CEQA lead agency achieves compliance with the California Environmental Protection Agency Tribal Consultation Protocol (April 2018) and consultation pursuant to PRC Section 21080.3 has been concluded. If potential tribal cultural resources that may be impacted by the project are identified through consultation with California Native American Tribes that are traditionally and culturally affiliated to a project area, the following shall be conducted:

- Documentation of any tribal cultural resources identified in the project area, which may require additional tasks such as ethnographic research and interviews.
- If tribal cultural resources are identified in a project area, develop, before project implementation and in coordination California Native American Tribes that are traditionally and culturally affiliated to a project area, an approach for reducing such impacts. If any such tribal cultural resources are on or in the tide and submerged lands of California, this process shall also include coordination with the California State Lands Commission.

Mitigation Measure TCR-2: Implement Measures to Protect Tribal Cultural Resources during Project Construction or Operation

These measures include, but are not limited to, those outlined in PRC Section 21084.3.

If tribal cultural resources or indigenous archaeological resources that may qualify as tribal cultural resources are encountered during project construction or operation of any project permitted under the Order, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. The lead agency, a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, and California Native American Tribes that are traditionally and culturally affiliated to a project area shall be immediately informed of the discovery. The qualified archaeologist and representatives from the notified Native American Tribes shall inspect the discovery and notify the lead agency of their initial assessment.

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Appendix A
**CEQA Public Meeting
(February 5, 2026) Transcript**

Sunset Weir and Pumps Fish Passage Project
California Environmental Quality Act (CEQA) Public Meeting for the Draft
Supplemental Environmental Impact Report
Yuba City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA 95993

February 5, 2026, 5 p.m.

Lynn Phillips: Good evening, everybody. My name is Lynn Phillips. I'm the General Manager of Sutter Extension Water District. We're here tonight to take comments on the Sunset Weir and Pumps Fish Passage Project. I've been employed by Sutter Extension Water District since 1988. I've served as General Manager since 2006.

Sutter Extension Water District provides water to approximately 20,000 acres of farmland each year. Our boundaries extend from the Feather River at Paseo Road, running west of Yuba City, primarily west of Township Road, and east of the Sutter Buttes, extending beyond O'Banion Road. One of our primary water diversions is a pump station known as the Sunset Pumps, located on the west bank of Feather River at the eastern end of Paseo Road, approximately 2 miles southeast of Live Oak, California. The pumps rely on an accompanying rock weir called the Sunset Weir to maintain the water elevation sufficient for diversion. The pump station and weir were originally built in the 1920s, and is a 10-foot-tall channel-spanning boulder weir that raises water surface elevation for about 8 miles of the Feather River upstream of the weir. We operate and maintain the weir to provide the necessary hydraulic head for water diversion at the Sunset Pump Station. The water diverted at the pump supplements our water supply from the Thermalito Afterbay via the Sutter Butte Main Canal. The existing fish screens at the pump station is antiquated and does not meet the current state or federal criteria or standards.

In 2014, Sutter Extension Water District began discussions with the Department of Water Resources, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and other agencies regarding the removal of the Sunset Weir. The Sunset Weir and Pumps Fish Passage Project would remove the existing weir and upgrade the Sunset Pumps Facility. This would restore unimpeded fish migration and longitudinal habitat connectivity, while enhancing the ecosystem functions in the project area, all without compromising our ability to efficiently deliver water to our customers.

Sutter Extension has retained Jonathan Kors with Wood Rogers to represent the district throughout this process. Stantec Engineers is handling the technical and electrical engineering design for the Sunset Pump Station, fish screens, discharge pipes, and other related facilities. This work will support completion of 100% design for the overall Sunset Weir and Pumps Fish Passage Project. Environmental Science Associates has been retained by Department of Water Resources to carry out the weir removal design portion of the project. All this work will be conducted in close coordination and oversight with Department of Water Resources and a project team that includes Sutter Extension Water District, Wood Rogers, and a technical advisory committee representing Sutter Extension Water District.

Next, I'd like to introduce Project Manager Rachel Ballanti with the Department of Water Resources.

Rachel Ballanti: Hi, Lynn, thank you. Hello, I am Rachel Ballanti, I am with the California Department of Water Resources. I am a Program Manager there and DWR's Project Manager for the Sunset Weir and Pumps Project. And I'll start by just quickly reviewing our agenda. We'll start with some housekeeping items and review the purpose of today's meeting. Then we'll provide information on the project location, goals and components. Next, we'll provide an overview of the CEQA process and the Draft Supplemental Environmental Impact Report, or EIR, which was prepared for the project. And then, finally, we'll have an opportunity for folks here to provide verbal comments on the Project's SEIR.

Moving on to our next slides, I'm going to give some virtual meeting tips.

So, today's meeting is being recorded, and closed captioning has been enabled, so if you're online, you can turn on the closed captions, by clicking the CC icon on the Zoom taskbar at the bottom of your screen.

Attendees' videos and microphones are off and muted, and when it comes time for the public comment portion of the meeting, you will have the opportunity to unmute yourself. I will provide more detailed instructions about how to do that at that time.

And finally, if you need any technical assistance during this meeting, you can email any questions to Steven Johnson at sjohnson@esassoc.com.

Next slide.

So moving on to the purpose of today's meeting. Our purpose here today is to receive comments on the Draft Supplemental EIR. Please note that responses to comments will be provided in writing in the Final Supplemental EIR.

But before we hear public comments, we'd like to provide an overview of the proposed project, the CEQA process, and the Draft Supplemental Environmental Impact Report.

Next slide.

So, verbal comments will be invited after the presentation, with a 3-minute time limit per speaker. I already have one speaker card, so that's good. When it's time for public comment at the end of the meeting, please wait to be called to the mic if you're here in person, or wait for our moderator to unmute you if you are attending virtually.

You can also submit written comments by email, postal mail, or for those joining us in person, comment cards are available on the registration table, and more information about submitting written comments will be provided at

the end of this meeting. Now I'm going to hand it over to Kevin Marr to give you more information about the project.

Hello, my name is Kevin Marr, and I'll be giving an overview of the proposed project.

So, here is the vicinity map. The proposed project is located at the red star on the map, which is on the Feather River, approximately 2 miles southeast of Live Oak in Sutter County. The Sunset Weir is operated and maintained by the Sutter Extension Water District, or SEWD, to maintain hydraulic head for their Sunset Pump Station. SEWD currently operates the Sunset Pump Station to supplement flows from the Thermalito Afterbay in the Sutter Butte Main Canal. The pump station also acts as a buffer to offset periodic flow delivery inconsistencies in the Main Canal, ensuring SEWD can meet the obligations to their customers.

Next slide.

So, the project is located near River Mile 38.5 on the Feather River. So, as you can see on the map, the Sunset Weir spans the river from the Sunset Pump Station on the right (west bank), and ties into the left (east bank) on the Feather River.

Next slide.

The project has two main goals, which are to accommodate passage of threatened migratory fish species at the Sunset Weir and to preserve the overall water delivery system stability and reliability with no change in SEWD's capacity and operational flexibility to deliver water to its customers.

The project components consist of removing the Sunset Weir and the restoration of a free-flowing river with unimpeded fish passage conditions for the Feather River Channel. We will replace and upgrade the Sunset Pump Station to operate at a lower water surface elevation. We will rehabilitate the existing pump discharge lines, install and operate new fish screens at the Sunset Pump Station, and perform some bank stabilization downstream of the weir, incorporating bioengineering techniques.

The fish passage component of the Proposed Project will be achieved by removing the weir and restoring the channel to match the natural grade of the channel. It will provide a stable transition from upstream to downstream that reduces scour and provides channel stability. The passage improvements are intended to benefit all species, however, the designs would focus on passage for the Central Valley fall run and spring run chinook salmon, Central Valley steelhead, and the southern distinct population segment of green sturgeon.

The Sunset Pump Station would be replaced and upgraded, such that the pump could operate optimally under free-flowing riverine conditions, and allow SEWD to continue to divert water and meet their existing water supply

obligations.

The next slide.

So here's a figure that's showing the proposed components I just described. At the bottom of the figure is the Sutter Butte Main Canal, with the Sunset Pump Station on the east bank. And the Sunset Weir to be removed is in the middle of the channel. And then the bank erosion area on the west bank that will be stabilized with native plants and rock slope protection is at the top of the figure. The flow of the river goes from north to south, left to right, as indicated by the arrow on the map, in the middle, right there on the right-hand side.

So now Jennifer will provide us an overview of the CEQA process and the Draft Supplemental EIR for the Proposed Project.

Jennifer Aranda: Thank you, Kevin. I'm Jennifer Aranda, a CEQA Project Manager with Environmental Science Associates, and I'll be presenting an overview of the CEQA process and the Draft Supplemental EIR for the Proposed Project.

This slide illustrates the CEQA process and schedule for the Proposed Project. As shown in the first row on the slide, the Notice of Preparation was circulated, and a CEQA scoping meeting took place in 2024. The Draft Supplemental EIR is currently out for public review now through February 23rd, 2026, and we're having the CEQA public meeting here tonight.

As shown in the second row on the slide, after the close of the public comment period on the Draft Supplemental EIR, DWR will prepare written responses to comments received on the Draft Supplemental EIR, and prepare a Final Supplemental EIR. Certification of the Final Supplemental EIR and filing of the Notice of Determination could occur in the spring of 2026.

The Draft Supplemental EIR is available for review online at the DWR website address shown on the slide.

It's also available for review during normal business hours at the Sutter County Library and the Sutter Extension Water District Office in Yuba City and California Department of Water Resources Division of Multi-Benefit Initiatives in Sacramento.

The Draft Supplemental EIR for the Proposed Project tiers from and incorporates by reference the SRGO Program EIR, or the Statewide Restoration General Order Program EIR. The SERGO Program EIR provides programmatic CEQA coverage for projects like the Sunset Weir Pumps Fish Passage Project. It was developed to streamline the CEQA process for restoration projects.

A covered restoration project is defined in the SRGO Program EIR as one that would result in a net increase in aquatic or riparian resource area functions through implementation of eligible project types, relevant general protection

measures, and consideration of design guidelines from the SRGO Program EIR.

The Proposed Project meets the SRGO Program EIR definition of a restoration project, as it would result in more physical habitat abundance, as well as more preferred habitat abundance compared to modeled existing conditions.

The Draft Supplemental EIR provides the additional information needed to make the SRGO Program EIR adequate for the proposed project, consistent with CEQA Guidelines Section 15163(b).

The Draft Supplemental EIR evaluates potential project-specific and cumulative environmental effects associated with the Proposed Project, and includes evaluations to identify if the Proposed Project would have potentially significant impacts on environmental resources, including, but not limited to the key resource topics shown on this slide.

Two alternatives were evaluated in the Draft Supplemental EIR, the No Project Alternative and the Proposed Project with Overhead Electrical Cable Trays Alternative.

With the No Project Alternative, none of the Proposed Project elements would be constructed. This alternative would not address fish passage, and the eroded Feather River left bank downstream of the weir would not be stabilized. Operations and maintenance of the existing Sunset Pump Station and fish screens would continue under this alternative.

The Proposed Project with Overhead Electrical Cable Trays Alternative would include the same elements as the Proposed Project, but would include construction of overhead electrical cable trays instead of an underground duct bank for the Sunset Pump Station, as proposed. This alternative would address fish passage with the removal of the weir, and would include stabilization of the eroded left bank. It would reduce the amount of land excavation required for construction, and it would include operations and maintenance of the upgraded Sunset Pump Station at fish screens.

All applicable general protection measures, species protection measures, and mitigation measures from the SRGO Program EIR were incorporated into the Draft Supplemental EIR for the Proposed Project. In addition, where appropriate, additional mitigation and minimization measures were included in the Draft Supplemental EIR.

So I'll now pass it back to Rachel to moderate the public portion of the meeting.

Rachel Ballanti: All right, so, as the CEQA Lead Agency, DWR is soliciting comments on the Draft Supplemental EIR, and we are going to be accepting comments through February 23rd, at 5 p.m.

In addition to providing comments here today, you can also provide comments in writing. Comments should focus on any significant environmental issues

associated with the Proposed Project and potential physical impacts of the Proposed Project as they relate to the environmental analysis presented in the Draft Supplemental EIR.

On this slide, you can see both the postal mailing and email addresses where you can send written comments.

All commenters will be added to the Proposed Project's mailing list, but you can also ask to be added to the mailing list without providing a comment.

Agencies, organizations, Native American tribes, and interested parties should provide a contact name and contact information on their letters. And verbal and written comments are also being accepted at today's meeting, and we're going to begin that portion of the meeting now.

Next slide, please.

So each speaker will have the opportunity to speak once for up to 3 minutes. If you're in the room and you'd like to speak, please make sure you've turned in a speaker card which is available in the back of the room.

And then if you're on Zoom, you'll use the raised hand feature to join the queue. You can find a raised hand button on the Zoom taskbar at the bottom of your screen. And you can also find the raised hand button next to your name in the participant's window. If you hover over your name, you can click and raise your hand to speak.

If you are dialed into the meeting by phone, and you would like to speak, you will raise your hand by pressing star 9 on your phone. And then when it is your turn to speak, you will unmute yourself by dialing star 6. So if you're on the phone, it is star 9 to raise your hand, star 6 to unmute.

We'll start with the speakers in the room, and then, if there are any speakers on Zoom, we'll move to Zoom after that. We will take comments in the order that speaker cards were received, or that hands were raised. When it is your turn to provide a comment, I will call on you, and if you are online, at that point, you will be able to unmute and share your comment, but until that time, you will remain muted.

Verbal comments will be recorded, so therefore, when you make your comment, please begin by sharing your name and, if applicable, your organization.

So I do have one speaker card at the moment. Our first speaker in the room will be Eric Hess, and you're welcome to head to the podium at the back and use the microphone, if that works for you, or...

Eric Hess: I think I can speak loud enough for you guys.

Rachel Ballanti: Alright

Eric Hess: The, the technical aspects seem, exciting. I'm looking forward to this. I didn't realize that thing had been in there for 100 years. And so, didn't you used to work there?

Lynn Phillips: Me?

Eric Hess: You.

Lynn Phillips: I still work there.

Eric Hess: You still work there. I thought I was, granted access with my canoe right below the weir to... for a recreational, point of view, that's what I'm actually really looking forward to, is being able to canoe, use that waterway from Live Oak to Yuba City. We tried portaging around the weir, two summers ago, and it was a hairy experience. I don't recommend doing that to anyone with anybody. But, if that is going to be mitigated, then I am totally for that, as long as the farmers can still get their water, which it looks to me like the technical aspects got that covered. So, yeah, that's why I'm here from a recreational point of view. I enjoy that access, and I thank you for allowing that to happen. So that's all I had to say.

Rachel Ballanti: Thank you. Our next speaker in the room will be Francis Coats. Francis, you're welcome to make your comment there or, from the podium.

Francis Coats: Thank you. Francis Coates, I'm not with an organization. The...The Sutter Extension Water District has flat refused to discuss mitigation if it involves crossing their land. So I think they're putting this whole process at risk because if you come and you say it would be a good idea, since you're blocking public travel along the bank of the river below high watermark, then why don't you let us walk around your pump station, so we can get up and down the river? And the response four times in Chapter 3.12 is, we don't let people on the property.

Now, so, you know, they're just flat refusing to parti... the District is refusing to participate in the CEQA process. They give no explanation of why they're not, they're not doing this. They just say they're not allowing.

Also, this is kind of silly, because the public, of course, already has the right to be on the bank of the river on their property or off the property. The public... they're a state agency. The public already has a right to be on their property to fish and the only exception is if they're using a property for a purpose incompatible with fishing. And if you had a drawing up there of the property, you'll see that we'll say there's 70 feet or so between the pump station, as proposed, and the property line on either side.

There's a lot of room to allow the public to cross that land from the levee to get to the water. Or to walk around the pump station to get up and down the riverbank, which they're obstructing with their pump station.

Another thing I wanted to mention is the reference to Morse Road Wildlife Area. If you call... I have... I sent you... sent you guys, the State Department of Fish and Wildlife says there's no vehicle, no surface land access to the Morse Road Wildlife Area. So, according to them, you don't have access to the river between Live Oak, and Yuba City at Highway 20.

Now, they're wrong, but that's what they're telling the public. And also, if you go there, the neighboring landowners will threaten to call the sheriff on you. So...

Okay, okay, we've got a few seconds. We've got a public right to fish. I mentioned that, the Constitution. It seems silly of the District to be unwilling to discuss mitigation at all given that there are these existing rights to be on the land anyway. I mean, they don't want to discuss them, then tomorrow morning, I drive out there and say, interesting, no trespassing sign you have there. And ignore them.

Thank you.

Rachel Ballanti: Thank you for your comment. Next speaker, David Neubert.

David Neubert: Thank you. Well, first, I just want to start out by saying that I do support the project, and it's really my attitude on it is, it's about time. The fish passage component of it is really important. I'll be very happy to see that weir come down. And like others in the room, my primary reason for being here is because that weir has been an obstruction to recreation for decades. And I'd like to see it taken out. It's... and then I would also like to see public access at that point, somewhere upstream, probably downstream of the pump house, for, non-motorized boat access, so we can put our kayaks and canoes there. If you have to kayak from Gridley to Yuba City, that's a 20-mile run, and you have to navigate around this... well, right now, you have to navigate around the weir, you have to portage. Yeah, which is practically impossible. Well, that'll be out. But a 20-mile run is really, for most people, they won't... they can't do that. So this sits right in the middle of that 20-mile section. So it opens up the perfect length run from Gridley down to Sunset and then from Sunset, put in, and you could do another 10 miles down to Yuba City. So if we want, really, multi-benefit projects, like DWR likes to talk about, then they need to include this in their... in their program. And so, I'd like to see access, I would like to see some clear parking areas, so we don't have conflicts with local, landowners. As mentioned, the Morse Road Wildlife Area is one of those conflict areas. The local landowners will come out there and threaten you if you try to even access that property. So, you know. Saying that Morse Road has some sort of mitigation benefit to this project in terms of public access recreation is not true.

And, the other thing, so I think that covers the, access points, and that's really what I'm emphasizing here. But the other thing is, I want to see some shaded riparian bank restoration mitigation for salmonids. If...that, you know, to make sure that that gets worked in. You guys are doing riprap, riprap, and

you know, I understand you need to protect the pumps, and that's just part of the business of doing a pump plant there. But, to offset the environmental damage that that's creating, I, I'd like to see the SRA put in.

That's all. I yield my final 5 seconds.

Rachel Ballanti: Thank you for your comment. All right, and our next speaker in person is Dale Whitmore.

Dale Whitmore: Thank you very much. And... I go along with all the previous speakers, the public access element on this property is, to me, is very important. Our communities have been way behind for decades. We're trying to get access to our rivers. And this piece of property here could provide fishing and kayaking access to the river. It's glad to see that this project is going through to clear the river of all these rocks and but yet, make sure that the farmers have got the water. And it looks like it's got a design that hopefully will work, but if it doesn't work, I'm sure somebody will come up with a way to fix it. But we're moving ahead and trying to get public access or foot traffic onto this parcel so people can go fishing and put in their kayaks. And with that, that's all I've got to say. I do have a letter I wanted to submit.

Thank you very much.

Rachel Ballanti: All right, thank you to everyone, who joined us in person to make comments here. We do have a couple of folks participating online. I don't see any raised hands, but I want to give it just a minute if anyone online would like to make a comment. If you are on Zoom, you can raise your hand using the raised hand button next to your name and the participant list, or at the bottom of your window. Or if you're on the phone, you can raise your hand by pressing star 9. So if anyone online has comments, you are welcome to make them now.

And... I think we'll give it... go ahead and give it, even though we have everyone who is here to make comments in person has made them. We're gonna go ahead and give it a few more minutes to see if anybody else joins.

So, I don't see anyone else online. If we could go ahead and just get that final slide.

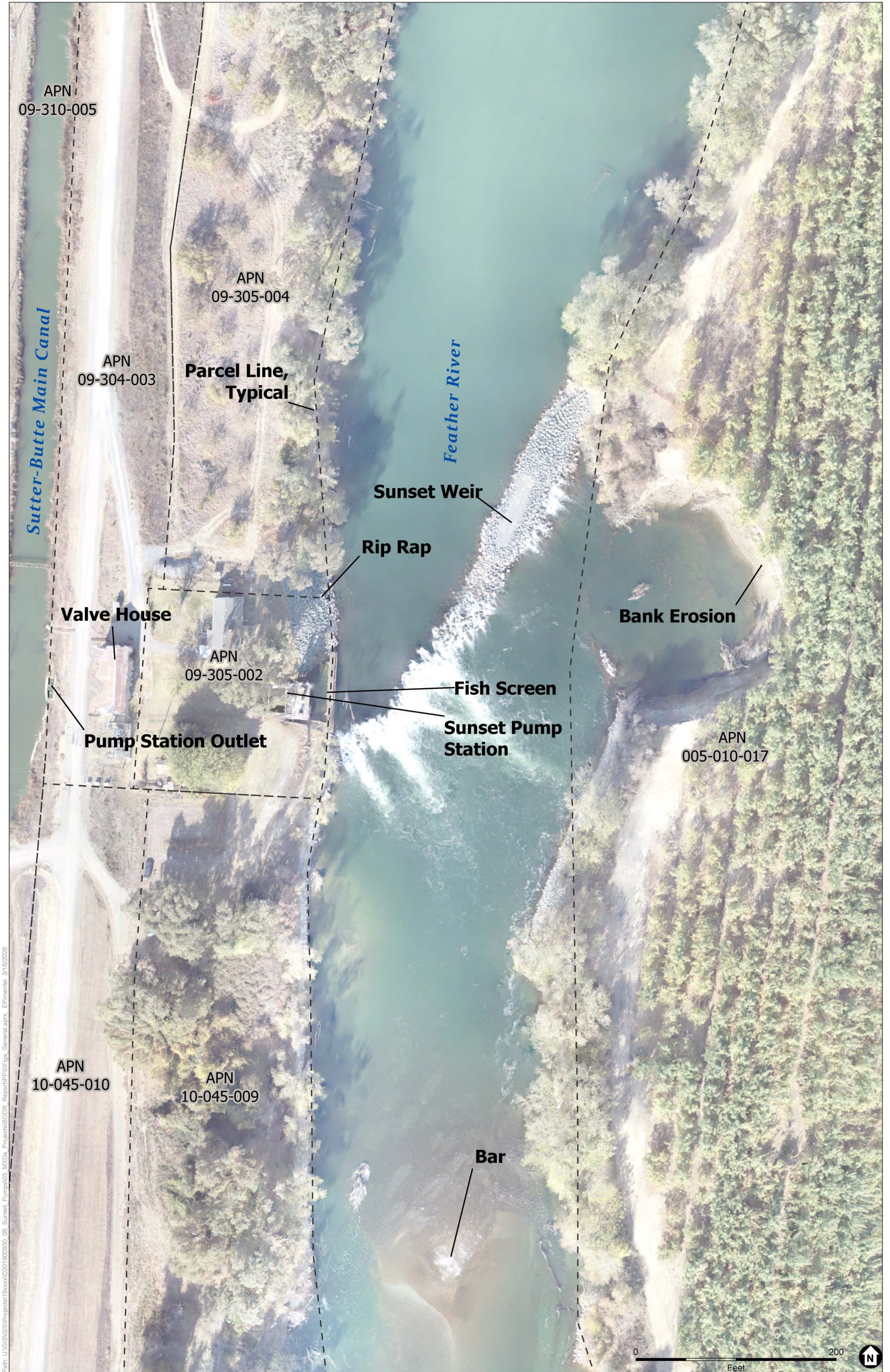
Thanks. So, like I said, we are going to go ahead and, DWR staff and SEWD staff will be here for a little while longer, just giving folks, if they do decide to join us a little bit later in the evening, the opportunity to make comments, but, the meeting is especially concluded, unless any other members of the public decide to join us.

I did just want to put up on the screen one last time our mailing address and email address, where folks can, provide written comments, additional written comments, up until February 23rd. But otherwise, we just thank everyone for being here today and for participating in the process.

Zoom closed at 5:51 p.m.

Appendix B

Updated Draft SEIR Figures



Path: U:\GIS\GIS\Projects\19\xxxx\10201900930_08_Sunset_Pumps\03_MXD\Projects\BODR_Report\PPS\Figs_General.aprx EP\metnel 3/16/2026

SOURCE: Orthoimagery (DWR 2019), Parcels (Sutter County 2026; DWR 2026; Yuba County 2024)

Sunset Weir and Pumps Fish Passage Project

Figure 2-3
Main Project Site -Existing Conditions and Facilities Overview

DWG: P:\01 CAD\19xxxx\1201900930.08 - Sunset Weir and Pumps Fish Passage Restoration\DWG\REPORT EXHIBITS\SEIR\Fig2-4 Site Features - SEIR.dwg USER: Davis Horeff PLOT DATE: 5/4/2026 3:58:46 PM

KEYED NOTES

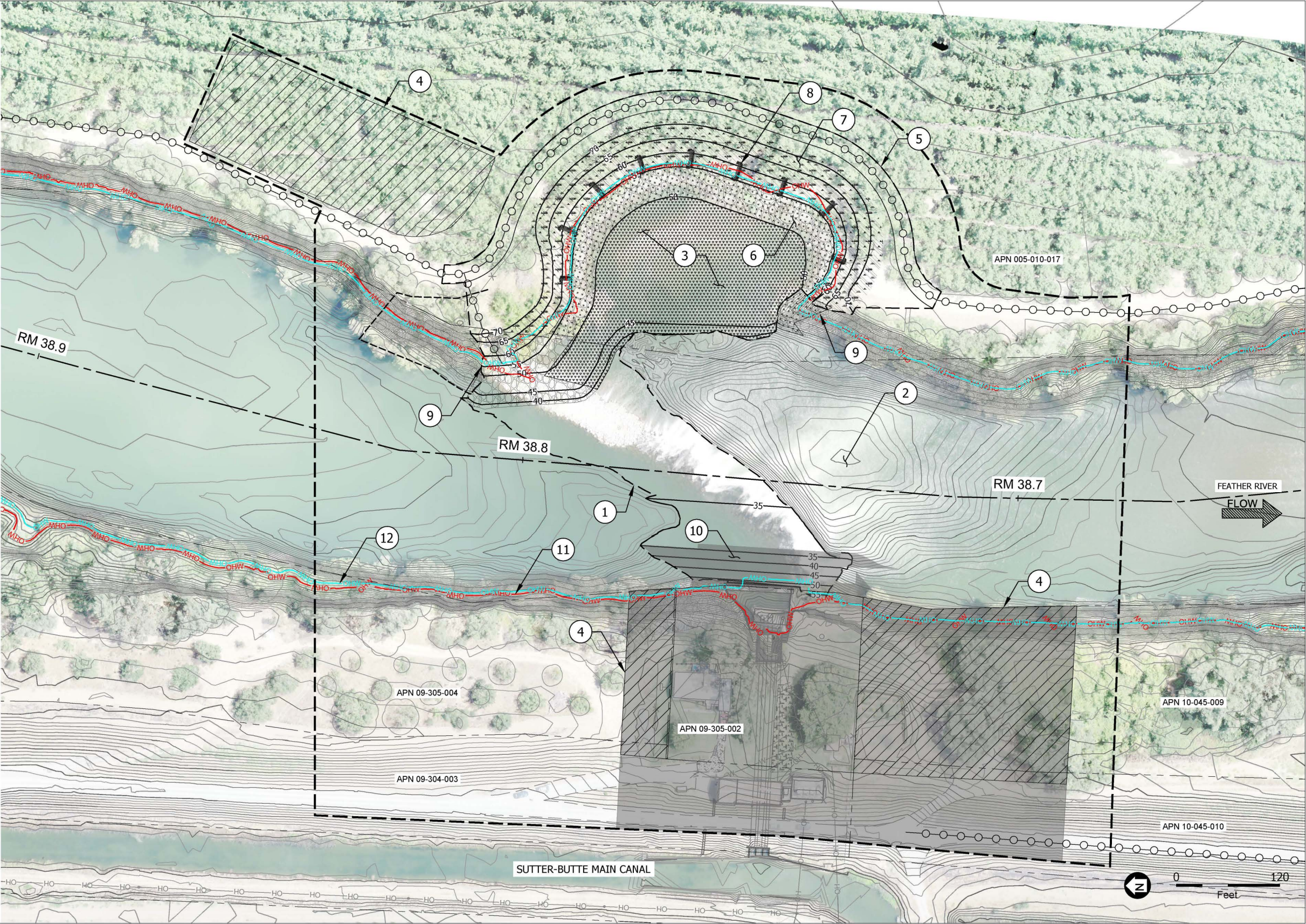
- 1 REMOVE EXISTING WEIR TO EL 35 TO 37 FT (NAVD88)
- 2 DOWNSTREAM SCOUR HOLE, PREVIOUSLY PROPOSED FOR FILL
- 3 FILL LEFT BANK SCOUR HOLE, EL VARIES BETWEEN 47 FT MIN AND 50 FT MAX (NAVD88)
- 4 INSTALL TEMPORARY STAGING AREA - SEE FIGURE 2-5 FOR ADDITIONAL STAGING AREAS
- 5 CONSTRUCT AGRICULTURAL MAINTENANCE ROAD
- 6 INSTALL VEGETATED ROCK SLOPE PROTECTION
- 7 PLANT UPPER BANK
- 8 INSTALL WILLOW BAFFLES
- 9 GRADING TO CONFORM WITH EXISTING BANK AREA (SEE NOTE 3)
- 10 REMOVE AND/OR REPLACE EXISTING PUMPS, PUMP SUPPORT STRUCTURE, INTAKES/PIPING WITH CONE FISH SCREENS, AND WET WELL, BY OTHERS
- 11 APPROXIMATE EXISTING ORDINARY HIGH WATER MARK, EL 56 AND EL 58 FT (NAVD88), DOWN AND UPSTREAM OF WEIR, RESPECTIVELY
- 12 APPROXIMATE PROPOSED ORDINARY HIGH WATER MARK, EL 56 FT (NAVD88)

NOTES

- 1. ORTHORECTIFIED AERIAL IMAGE (ESA, AUGUST 2023).
- 2. RIVER MILES DISPLAYED ARE BASED ON DWR'S FLOOD EMERGENCY RESPONSE INFORMATION EXCHANGE SYSTEM WHICH IS IDENTICAL TO THE USACE RM SYSTEM.
- 3. GRADING MAY EXTEND BEYOND SHOWN CONFORM. UNKNOWN EXISTING WEIR MATERIAL AND EXIST BANK RSP HAS THE POTENTIAL TO CREATE CHALLENGES AT CONFORMS AND WILL NEED TO BE FIELD FIT.

LEGEND

PARCEL LINES	
PROJECT LIMIT	
GRADING LIMIT	
PROPOSED MAJOR CONTOUR	
CONSTRUCTION ACCESS ROUTE	
ORDINARY HIGH WATER EXISTING	
ORDINARY HIGH WATER PROPOSED	
PUMP STATION WORK AREA	



SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT

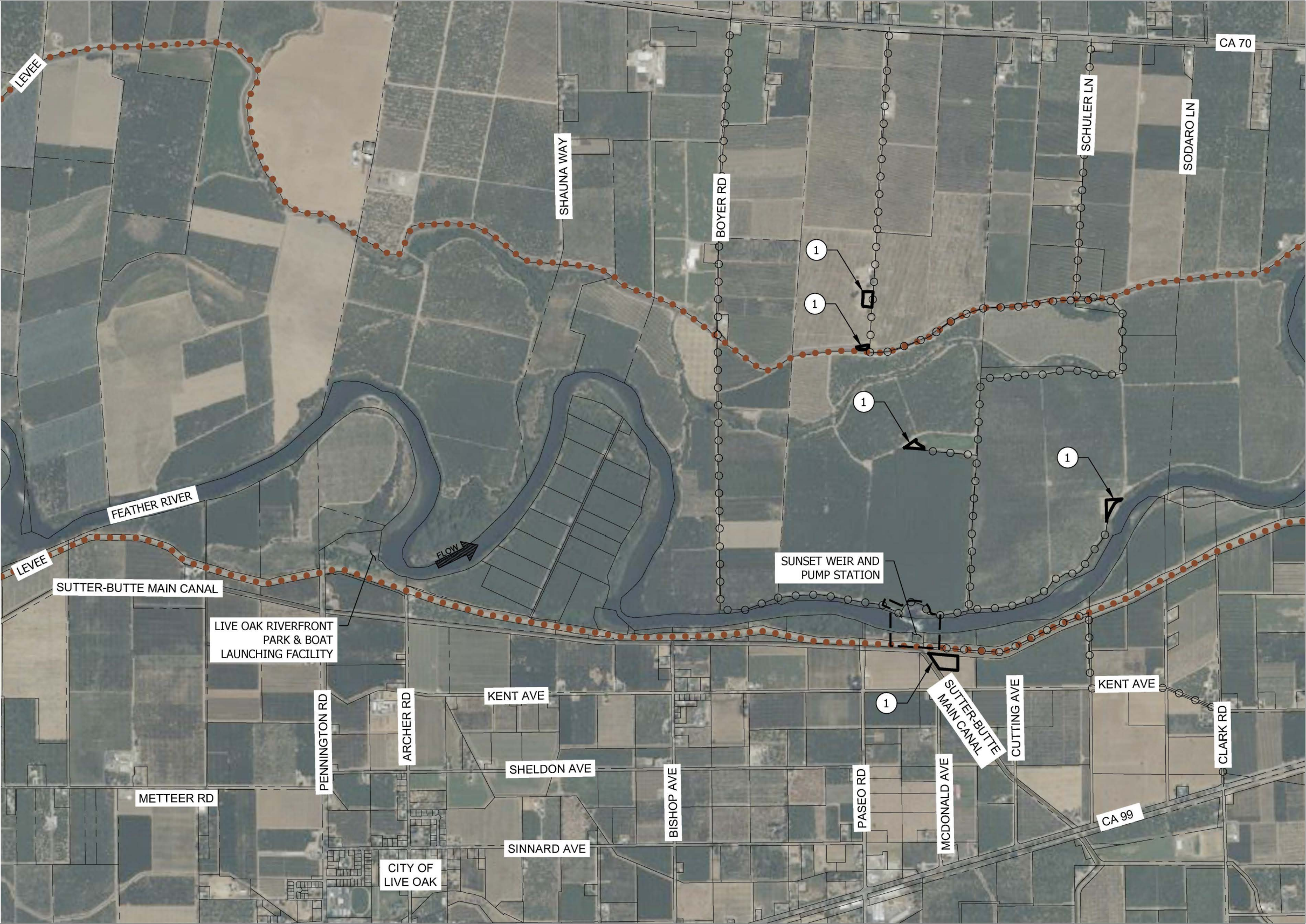
DWG: P:\01 CAD\19xxxx\201900930.06 - Sunset Weir and Pumps Fish Passage Restoration\DWG\REPORT EXHIBITS\SEIR\Fig2-5_Project Components Offsite - SEIR.dwg USER: Sarah Morton PLOT DATE: 4/21/2026 12:55:12 PM

KEYED NOTES

1 ALTERNATIVE OFF-SITE STAGING AREAS

LEGEND

PARCEL LINES	---
PROJECT LIMIT	---
CONSTRUCTION ACCESS ROUTE	○-○-○-○-○-○-○
LEVEE	●●●●●●●●●●
OFF-SITE STAGING AREA BOUNDARY	---

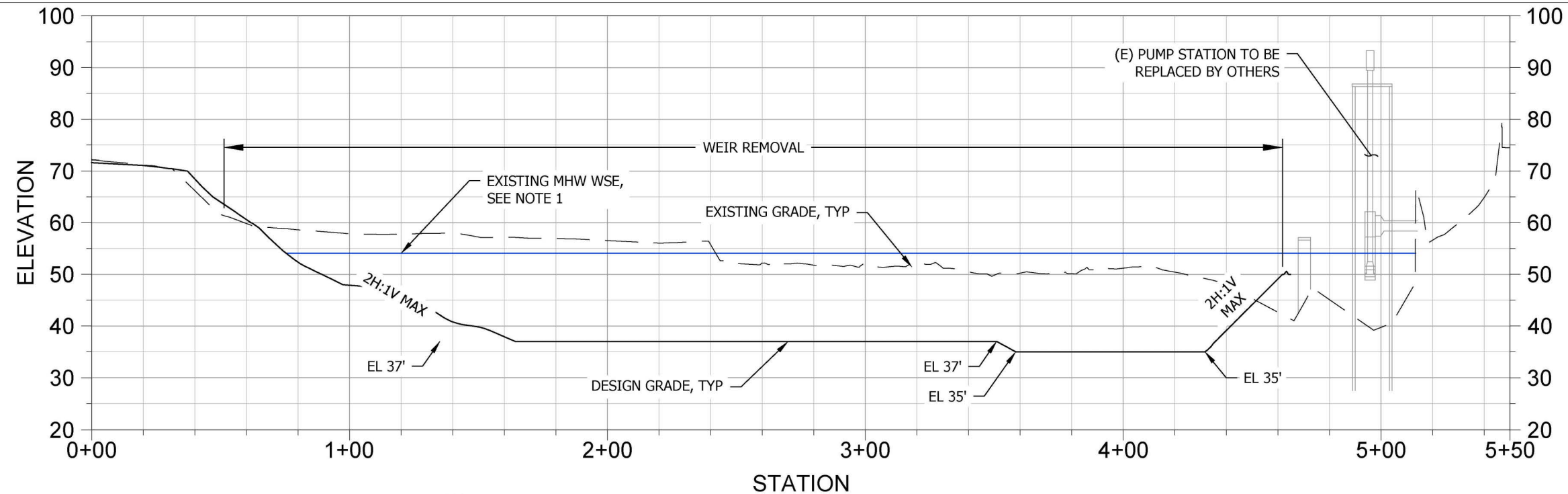


SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT

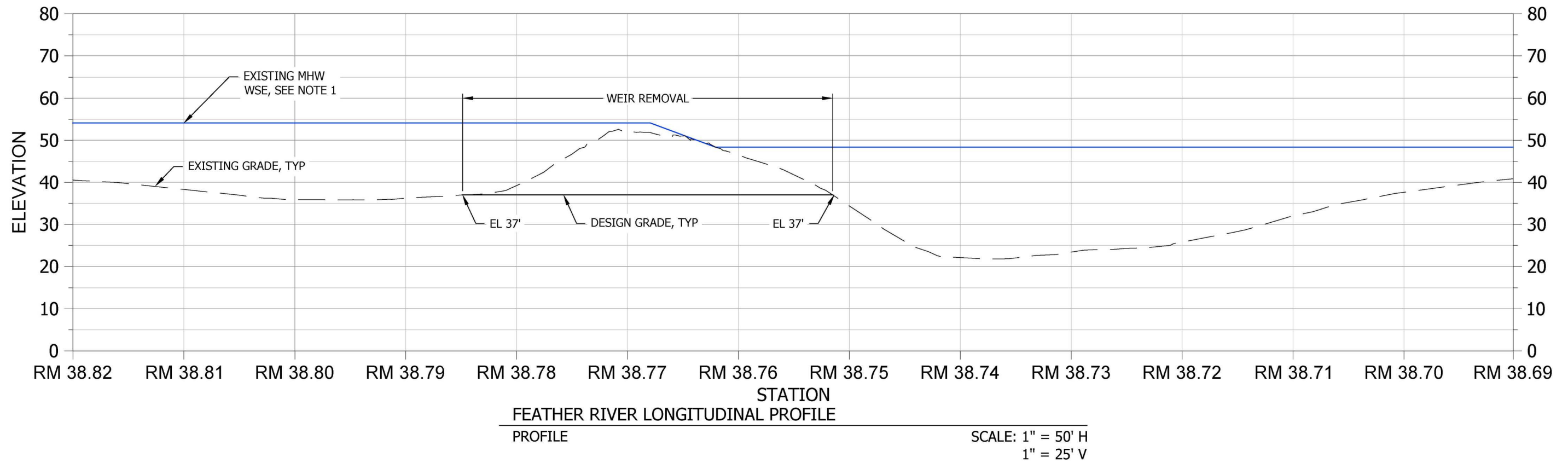


Figure 2-5
Alternative Staging Areas

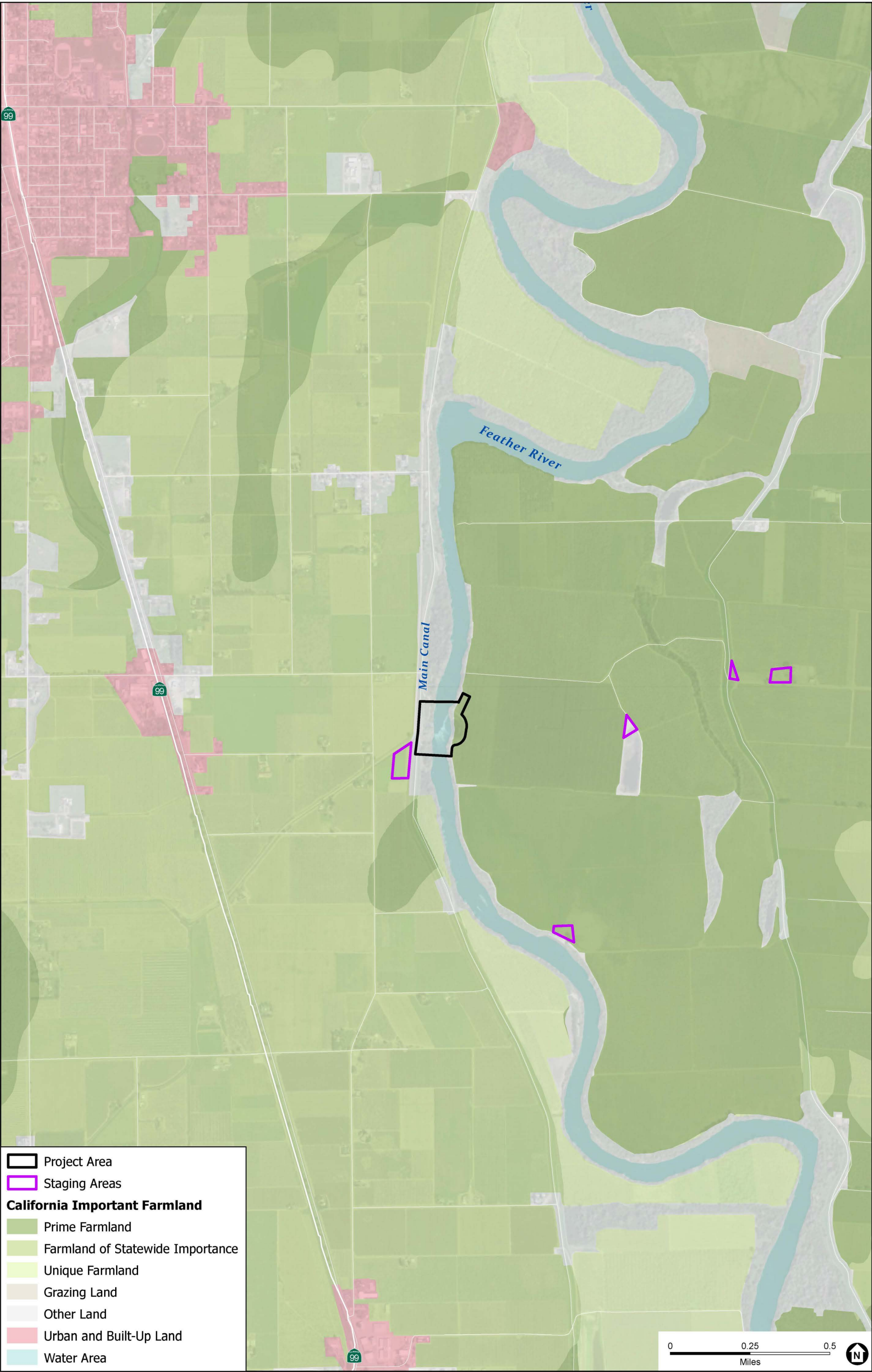
DWG: P:\01 CAD\19xxxx\20190930.06 - Sunset Weir and Pumps Fish Passage Restoration\DWG\REPORT EXHIBITS\SEIR\Fig2-7 Weir Removal Grading.dwg USER: Sarah Morton PLOT DATE: 4/21/2026 12:57:14 PM



- NOTES
1. MWL SHOWS FLOODED EXTENTS UNDER EXISTING CONDITIONS FOR MEDIAN FLOW OF APPROXIMATELY 4,090 CFS, DURING THE IN-WATER CONSTRUCTION SEASON (JULY 15 TO SEPTEMBER 30). MWL WSEL IMMEDIATELY UPSTREAM AND DOWNSTREAM OF THE WEIR ARE APPROXIMATELY 54.1 FT AND 48.4 FT RESPECTIVELY. ACTUAL FLOWS DURING IN-WATER CONSTRUCTION SEASON MAY DIFFER GREATLY FROM MWL (LOWER OR HIGHER).



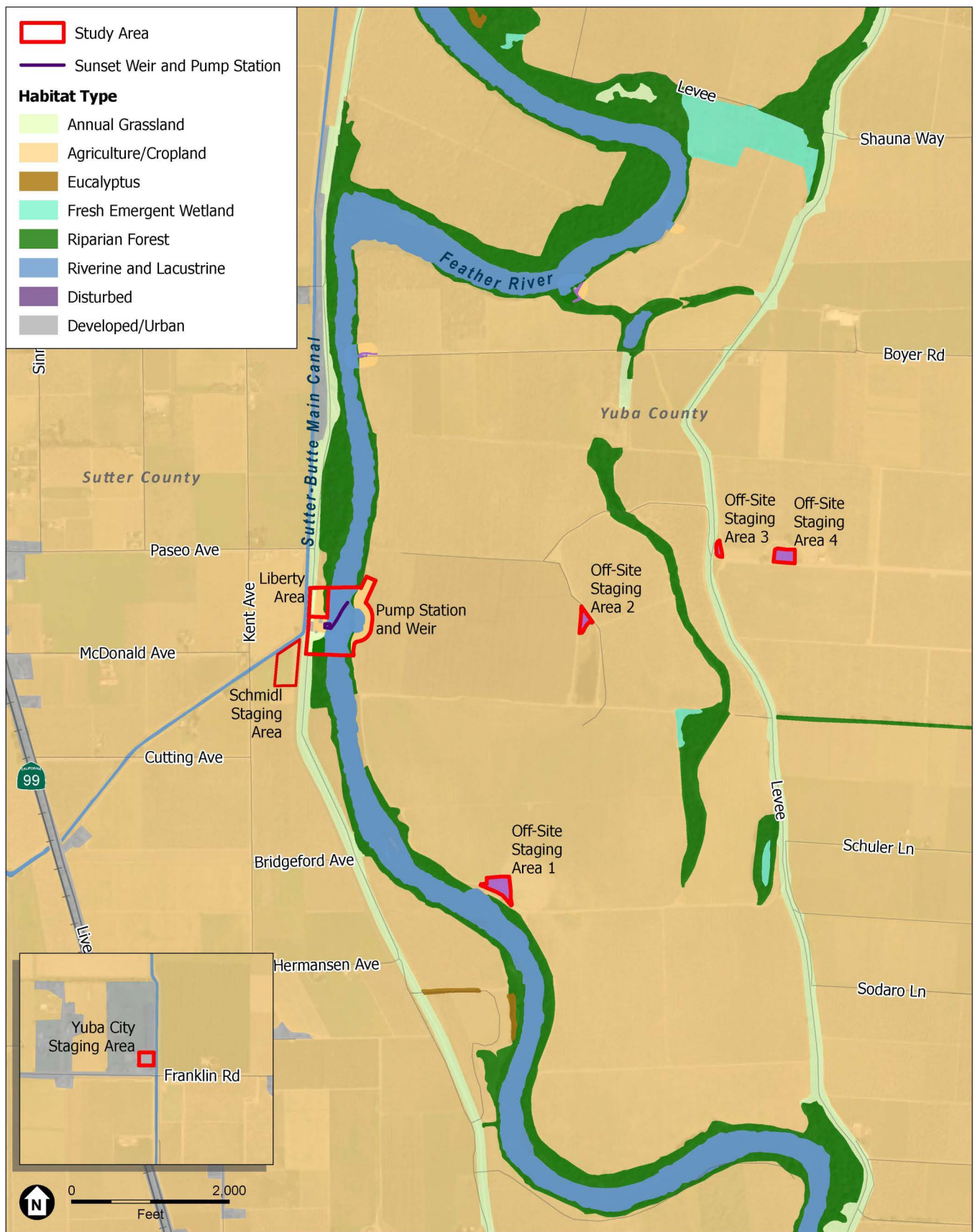
SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT



SOURCE: Vivid, 2025; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

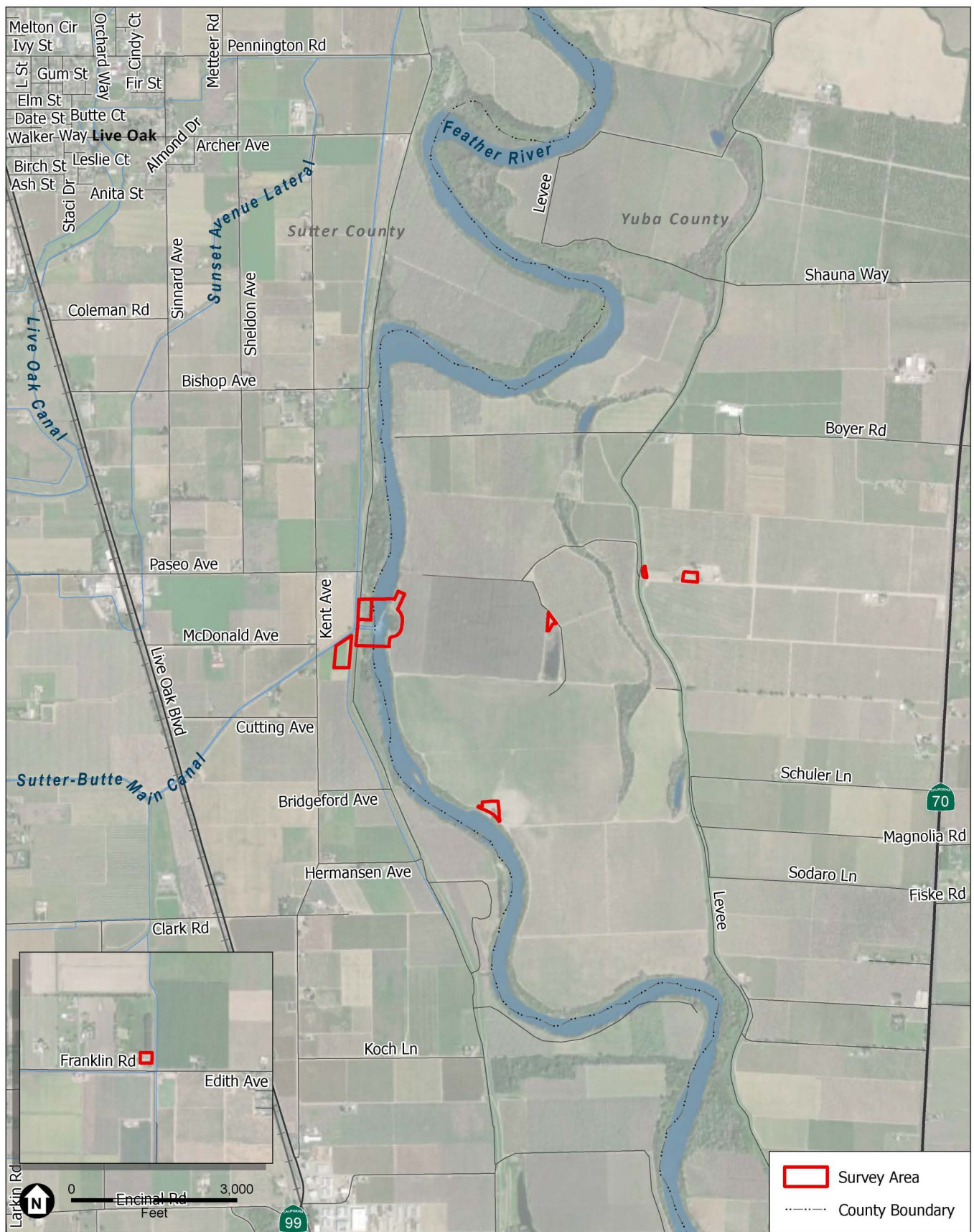
Figure 3.4-1
California Important Farmland



SOURCE: Esri, 2026; CDFW, 2024; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

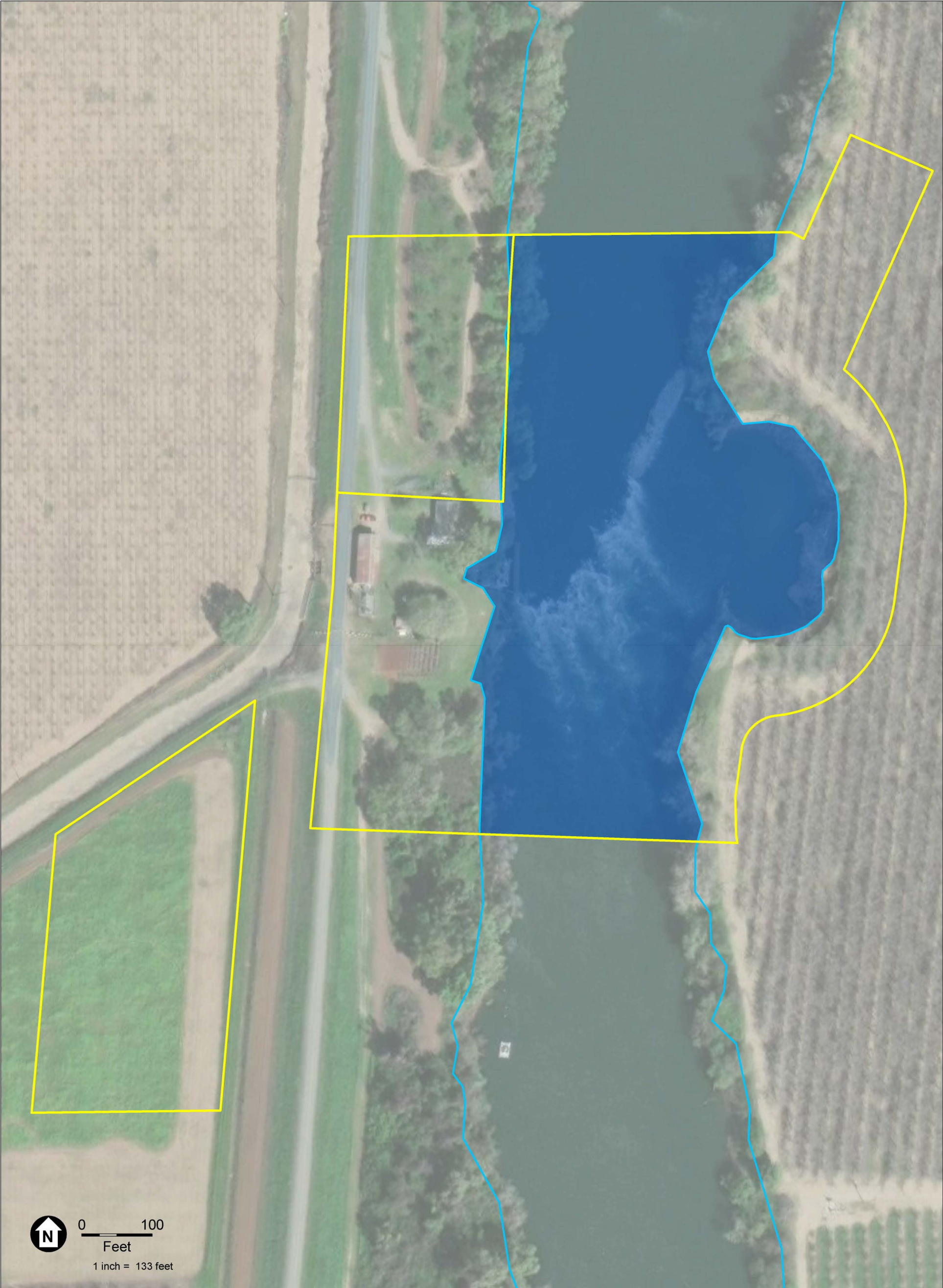
Figure 3.6-1
Habitats



SOURCE: Esri, 2026; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

Figure 3.6-2a
Project Vicinity



SOURCE: Esri, 2026; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

Coordinate System: NAD 1983 State Plane
California Zone II FIPS 0404 (US Feet)
Projection: Lambert Conformal Conic
Datum: North American 1983
Vertical Datum: N/A

- Survey Area (22.14 acres)
- OHWM
- Waters (7.22 acres)**
- Perennial Stream (7.22 acres)

Figure 3.6-2b
Delineated Aquatic Resources

Appendix C

Biological Resources Survey Memo Added to Draft SEIR Appendix E



2600 Capitol Avenue
Suite 200
Sacramento, CA 95816
916.564.4500 [phone](tel:916.564.4500)
916.564.4501 [fax](tel:916.564.4501)

esassoc.com

memorandum

date March 19, 2026

to Rachel Ballanti, California Department of Water Resources

from Joseph Huang, Environmental Science Associates
Daniel Huang, Environmental Science Associates

subject Biological Resources Reconnaissance Survey Results for the Sunset Weir Pumps and Fish Passage Project Proposed Staging Area West of Levee Road (Schmidl Staging Area)

Introduction

This biological resources reconnaissance survey results memorandum report (report) was prepared for the Sunset Weir and Pumps Fish Passage Project (Proposed Project) proposed by the California Department of Water Resources (DWR) in partnership with Sutter Extension Water District (SEWD). The Proposed Project is located on the Feather River near river mile (RM) 38.3, approximately 2 miles southeast of Live Oak in Sutter County, California (**Figure 1**). The purpose of this report is to assess the suitability of a proposed staging area west of Levee Road (study area; **Figure 2**), also referred to as the Schmidl Staging Area, to support special-status species and sensitive habitat types and to recommend conservation measures to avoid or minimize potential impacts to special-status species and sensitive habitat types.

Project Description and Study Area

The Proposed Project consists of the following features:

- Removal of the Sunset Weir and restoration of natural, volitional passage conditions for protected migratory fish species.
- Replacement and upgrade of the Sunset 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 for protecting fish.
- Eroded Feather River left bank stabilization downstream of the weir incorporating bioengineering techniques.

The Proposed Project will require the use of multiple staging areas, including the proposed staging area west of Levee Road, to complete its construction. The staging area west of Levee Road was proposed for use as a staging area after the initial biological resources reconnaissance survey was conducted for the Proposed Project. The study area for the proposed staging area west of Levee Road is bordered to the east

by an unnamed irrigation ditch and to the north by the Sutter-Butte Main Canal, and the area consists of an open agricultural field.

Survey Results

Environmental Science Associates senior biologist Chuck Hughes conducted a biological resources reconnaissance survey of the study area on February 18, 2026, to assess the suitability of the study area to provide habitat for special-status species. The study area consists of an open agricultural field and was planted with mustard (*Brassica* sp.). Two waterways bordering the study area were identified during the survey, including an unnamed irrigation ditch to the east and the Sutter-Butte Main Canal to the north. No trees are observed within the study area. An orchard is located to the south of the study area. The nearest trees are situated in the riparian woodland along the Feather River to the east and one tree is located across the Sutter-Butte Main Canal to the north.

Valley Elderberry Longhorn Beetle

Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) is federally listed as threatened. No elderberry shrubs (*Sambucus* sp.) were observed in the study area. Without any elderberry shrubs present, there is no potential for valley elderberry longhorn beetles to occur in the study area because they are entirely dependent on their host plant for habitat and as their food source.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a California state candidate species for listing, but is currently a species of special concern. No burrows or other alternative burrow habitat features were observed that could provide wintering or nesting habitat for burrowing owls. Burrowing owls may occur in the agricultural field on occasion to forage for prey such as insects and small rodents.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is state listed as threatened. The trees along the Feather River can provide nesting habitat for nesting birds and raptors, including Swainson's hawk. No potential nest trees are within the study area. The agricultural field in the study area may provide foraging habitat for Swainson's hawk.

Nesting and Migratory Birds

There are no trees present within the study area that can provide nesting habitat for most nesting birds. However, some nesting birds nest on the ground, such as western meadowlark (*Sturnella neglecta*) and mourning dove (*Zenaida macroura*). These bird species may nest in the study area in the agricultural field within the mustard plants.

Special-Status Bats

There is no potential for special-status bat species to occur in the study area because the study area does not provide any suitable habitat features for bats to use and occupy.

Northwestern Pond Turtle

Northwestern pond turtle (*Actinemys marmorata*) is a California species of special concern. The two waterways along the perimeter of the study area are suitable aquatic habitat for the species. Although the

soil is softer in the open agricultural field than the compacted fill on the dirt access roads adjacent to the riparian forest area along the Feather River, the field is regularly tilled and used for agricultural purposes. Thus, the study area does not provide suitable nesting habitat for northwestern pond turtles.

Life history information for all the above-described species is discussed in the biological resources technical report for the Proposed Project (ESA 2025).

Giant Garter Snake

Both waterways may potentially be suitable aquatic habitat for giant garter snake (*Thamnophis gigas*) if they contain water during the giant garter snake's active season from May 1 to October 1. However, because no suitable upland habitat features were observed adjacent to or along the upper banks of the two waterways, such as soil crevices and cracks, small mammal burrows, or riprap, it is unlikely giant garter snakes are brumating or otherwise occupying the upland areas for cover. They could occasionally use the upland areas adjacent to the waterways to bask for thermoregulation. However, the species would most likely only be utilizing the waterways as movement corridors to reach more suitable habitat areas in the vicinity.

Giant Garter Snake Life History

Giant garter snake is a federal and State-listed threatened species. Giant garter snakes reside in marshes, ponds, sloughs, small lakes, low-gradient streams, and other waterways and agricultural wetlands, including irrigation and drainage canals and ditches, rice fields, and the adjacent uplands. Potentially suitable aquatic habitat for the species consists of the above-mentioned aquatic features that contain water typically from March through November, but most importantly during its active season from May 1 to October 1. Suitable aquatic habitat consists of slow moving or static water with mud substrate, presence of emergent or bankside vegetation that provide cover from predators, available prey in the form of small amphibians and small fish, basking sites with adjacent vegetation for cover, absence of large predatory fish, and absence of flooding that would inundate upland refugia (USFWS, 2017).

Although giant garter snake is predominantly an aquatic species during its active season, they also use upland areas near aquatic habitat for basking to regulate body temperature, and for cover to avoid predation. Upland habitat refugia often consists of small mammal burrows, soil crevices and cracks, and riprap areas. During the inactive season in the fall and winter during colder temperatures, giant garter snakes primarily brumate in the upland refugia and spend much less time in aquatic habitat (USFWS, 2017).

One California Natural Diversity Database occurrence was recorded on August 23, 2013, at a location along a canal approximately 3.5 miles away from the study area. The record states one female and one male were captured in an aquatic trapline survey.

The Sutter-Butte Main Canal and the unnamed ditch to the east are potentially suitable aquatic habitat for giant garter snakes because they are likely to have water in them during the species active season, which coincides with the irrigation season for agricultural in the area. During the survey, no upland refugia features such as burrows, soil crevices, or upland riprap were observed adjacent to the waterways. Given the lack of upland refugia for giant garter snakes, it is unlikely the species would brumate in the upland habitat adjacent to the two waterways because no suitable upland refugia was present. Giant garter snakes may use the upland areas adjacent to the waterways to bask for thermoregulation, but they would not

likely travel far from the water because there is insufficient vegetative cover to protect giant garter snakes from predators.

Recommended Avoidance and Minimization Measures

Below are recommended avoidance and minimization measures to protect giant garter snake during establishment of the study area for use as a staging area (DWR 2025). Implementation of these measures will greatly reduce the potential for impacts to giant garter snakes during the project.

- **REP-1: Pre-Construction Survey.** An agency-approved biologist will conduct pre-construction surveys for the target reptile species within 72 hours prior to any initial ground disturbance within all suitable habitat within or adjacent to the project site and accessible to the project proponent, to identify locations where special-status reptiles may be present, evaluate current activity status in the project area, and protect the species and its habitat from avoidable construction-related disturbance. The intent of this survey is to assess current special-status reptile habitat and use locations in the project area immediately prior to construction. Preconstruction surveys may be phased across a construction site if construction in different areas will occur at different times; only areas where disturbance is imminent need be surveyed. The project area will be re-inspected by the agency-approved biologist whenever a lapse in construction activity of 5 days or greater has occurred.
- **REP-2: Environmentally Sensitive and Wildlife Exclusion Area.** Prior to the start of construction, SPM-2, Environmentally Sensitive and Wildlife Exclusion will be implemented. In addition, the following applies:
 - For the giant garter snake, fencing and/or monitoring will be implemented in coordination with the agency-approved biologist prior to the start of ground-disturbing activities. If fencing is used the fencing will be inspected by the agency-approved biologist before the start of each work day and maintained by the project proponent until completion of the project. The fencing will be removed after all construction equipment is removed from those segments of the project. To prevent reptiles from becoming entangled, trapped, or injured, fencing materials that use plastic or synthetic monofilament netting will not be used. Acceptable materials include natural fibers such as jute, coconut, twine, or other similar fibers.
- **REP-3: Clearing and Grubbing Vegetation.** An agency-approved biologist will be present during all vegetation clearing and grubbing activities in areas where the special-status reptiles are confirmed to occur, or where measures are being implemented based on presence of suitable habitat. Prior to vegetation removal, the agency-approved biologist will thoroughly survey the area for these species. Vegetation in sensitive areas will be cleared by handheld motorized tools (e.g., weed eaters, chainsaws) or hand pulling unless alternate methods are proposed by the project proponent and approved by agency(ies). Tree stumps and roots will be left in place where possible to avoid any ground disturbance and preserve refugia habitat, with the exception of non-native invasive plants that could propagate from remaining vegetative material. Native branches, leaf litter, mulch, woody debris, and other vegetative trimmings may be retained and spread on site to enhance habitat as appropriate.

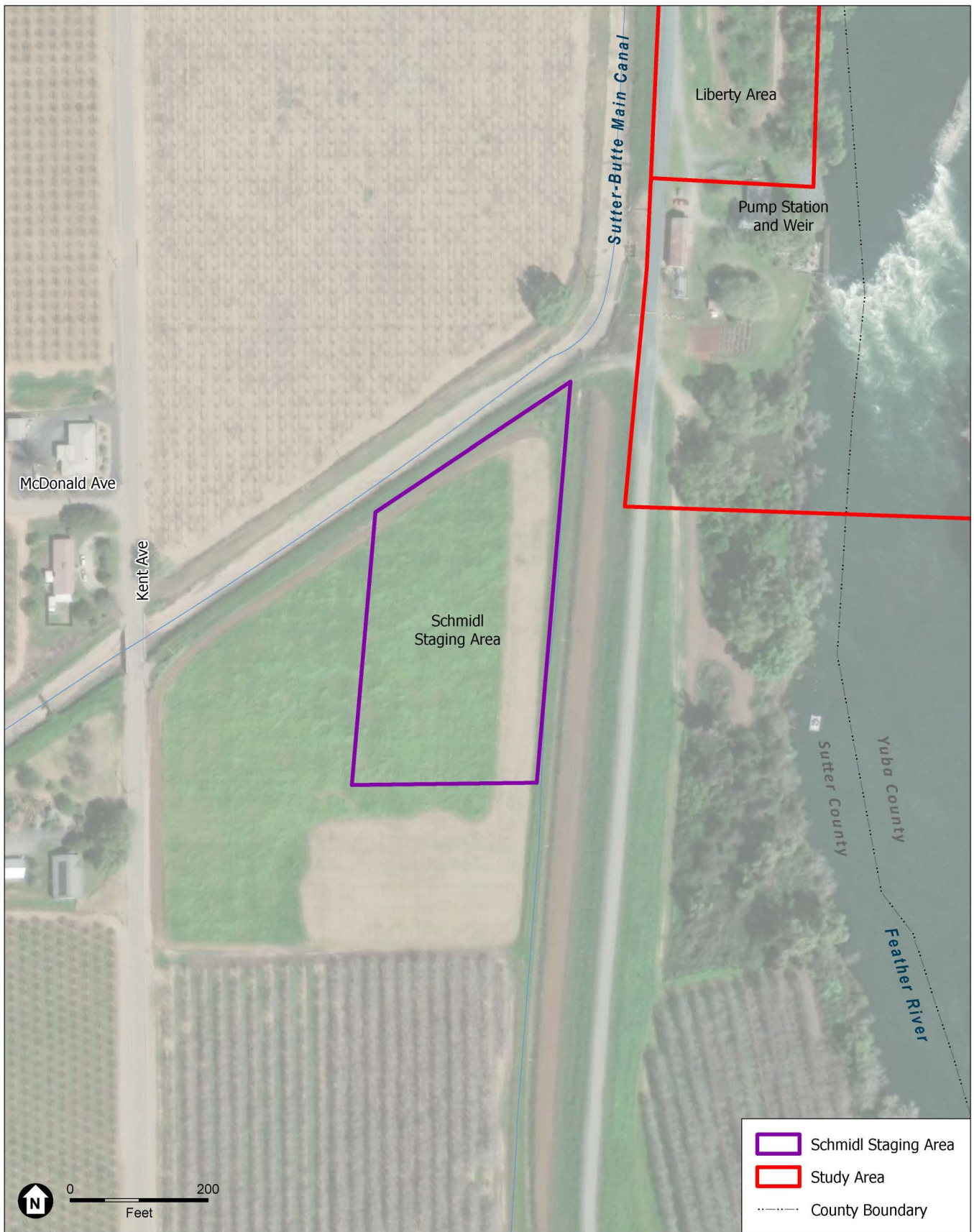
- **REP-5: Species Observations and Encounters.** Each proposed project with the potential to encounter a special-status reptile species will submit a rescue and relocation plan to agency(ies) for review and approval prior to initiating construction. General guidance to be considered during plan development is as follows: 1) leave the uninjured animal if it is not in danger, or 2) move the animal to a nearby location if it is in danger as described in *REP-6, Species Handling and Relocation*, below. These options are further described as follows:
 - When a special-status reptile is encountered in the project area, the priority is to stop all activities in the surrounding area that have the potential to result in the harm, injury, or death of the individual. The agency-approved biologist then needs to assess the situation to select the course of project that will minimize adverse effects to the individual.
 - Avoid contact with the animal and allow it to move out of the project footprint and hazardous situation on its own to a safe location. This guidance only applies to situations where an animal is encountered while moving through habitat and under conditions that will allow it to escape. This does not apply to animals that are uncovered or otherwise exposed or in areas where there is not enough adjacent habitat to support the life history of the special-status reptiles if they move outside the construction footprint.
 - Avoidance is the preferred option if the animal is not moving or is within some sort of burrow or other refugia. In this case, the area will be well marked for avoidance by construction and an agency-approved biologist will be assigned to the area when work is taking place nearby. If avoidance is not practicable or safe for the special-status reptile, the project proponent will implement REP-6, below.
- **REP-6: Species Handling and Relocation.** A special-status reptile will only be captured and relocated when it is the only option to prevent its death or injury, and after all attempts to avoid interaction of the species have been exhausted as described in *REP-5, Species Observation and Encounters*. Project-specific rescue and relocation plans will be approved by the agency(ies) prior to starting construction. General guidance for handling and relocation is as follows:
 - If appropriate habitat is located immediately adjacent to the capture location, then the preferred option is short distance relocation to that habitat. A snake will not be moved outside of the area where it could have traveled on its own. Captured snakes will be released in appropriate cover as close to their capture location as possible for their continued safety. Under no circumstances will an animal be relocated to another property without the owner's written permission. It is the project proponent's responsibility to arrange for that permission.
 - The release locations must be pre-identified in the project-specific rescue and relocation plan approved by the agency(ies); they will depend on where the individual was found and the opportunities for nearby release. In most situations the release location is likely to be into the mouth of a small burrow, other suitable refugia, or suitable habitat.
 - Only agency-approved biologists for the project can capture special-status reptiles.



SOURCE: Esri, 2026; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

Figure 1
Schmidl Staging Area and Vicinity



SOURCE: Esri, 2026; ESA, 2026

Sunset Weir and Pumps Fish Passage Project

Figure 2
Schmidl Staging Area

References

- Department of Water Resources (DWR). 2025. Statewide Restoration General Order Program Environmental Impact Report General Protection Measures, Species Protection Measures, and Mitigation Measures Applicable to the Sunset Weir Pumps and Fish Passage Project. Sacramento, CA.
- Environmental Science Associates (ESA). 2025. Biological Resources Technical Report for the Sunset Weir and Fish Passage Project prepared for the California Department of Water Resources. Sacramento, CA.
- U.S. Fish and Wildlife Service (USFWS). 2017. Final Recovery Plan for the Giant Garter Snake. www.fws.gov/sacramento/documents/20170928_Signed%20Final_GGS_Recovery_Plan.pdf.

Representative Photographs – February 18, 2026



Photograph 1. Sutter-Butte Main Canal looking southwest.



Photograph 2. Unnamed irrigation ditch looking south.



Photograph 3. Mustard field within the study area, looking northwest.

Appendix D
**Bracketed Draft SEIR
Public Comments**

Comment Letter 1

From: [Francis Coats](#)
To: Marr, Kevin@DWR
Subject: Draft Sunset Weir and Pumps Fish Passage Project; Public Use Rights
Date: Saturday, January 10, 2026 7:32:58 AM

Kevin:

I have begun reviewing the Draft Sunset Weir and Pumps Fish Passage Project. It appears that none of my comments concerning public use rights are addressed. My comments address public use rights under the navigable easement, constitutional right to fish and public trust doctrine. They are constitutionally based. The report may satisfy California Environmental Quality Act requirements, yet still run afoul of these public use issues, and encounter substantial delay and expense for the failure to address these issues.

1-1

I will provide more comment, but for now.

The public has right to be on the Feather River including its temporarily dry bed and banks below ordinary high water mark, and there engage in recreational activity. This includes traveling along its banks without an unnecessary artificial obstruction or at least a reasonable detour around the obstruction.

1-2

This entire river is a recreational resource. The public has the right to be on its banks generally, not just those parts certified for public access by some authority.

1-3

The public has a right to fish from and on state-owned land, and to do those things necessary and convenient to enjoy the right. SEWD is a state agency and land held in its name is state-owned land at this time a substantial portion of the SEWD parcel is devoted to lawn and parking area adjacent to a residence. As it sits there is no credible argument that it is not feasible to permit access across the SEWD parcel between the levee crown road and the river bank.

1-4

A California public agency should not make a decision which will harm a public trust interest without having first considered the effect of the decision on the public trust, avoiding so far as feasible any harm to the interest, and providing this consideration in a public manner facilitating public participation.

1-5

Reciting that my comments were considered does not make the facts and thought process relied upon by the agency public. This does not facilitate public participation.

1-6

Public access to and use of navigable waters is the historic core of the public trust doctrine. It might be that CEQA allows the report to recite that SEWD is already violating public use rights under the navigable easement, constitutional fishing rights and the public trust doctrine, so continued violation works no change; however, that is no defense to an action to enforce those rights. A failure to address these issues at this time puts the entire project at risk.

1-7

Thanks for your time and effort.

Francis Coats;

3392 Caminito Avenue Yuba City CA 95991

Fecoats@msn.com

530 701-6116

Sent from my Verizon, Samsung Galaxy smartphone

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From: [Francis Coats](#)
To: Marr, Kevin@DWR
Subject: Sunset Weir Fish Passage and Pumps Project
Date: Saturday, January 10, 2026 11:33:53 AM

**IT IS DIFFICULT TO UNDERSTAND WHY ANYONE OBJECTS TO PEDESTRIAN ACCESS
ACROSS THE SEWD PARCEL TO AND FROM THE RIVER.**

2-1

**THE REMOVAL OF THE WEIR LIKLEY WILL SIGNIFICANTLY INCREASE THE
RECREATIONAL USE OF THE FEATHER RIVER.**

2-2

1. Failure to address the public use rights (a) to use the Feather River and its banks for recreation; (b) to fish from and on the SEWD parcel; (c) to use public lands for access to public trust lands “so far as feasible”; (d) to have an opportunity to know the basis of the agency action and respond.

By way of introduction, I don’t understand why there is any question about providing public access to and from the right bank of the Feather River along the north and south margins of the Sutter Extension Water District Parcel (Sutter County APN 09-305-002). I have asked for pedestrian access from the west levee crown road (which is open for unrestricted un-motorized public use between Paseo Road to the north to the SEWD parcel), across the SEWD parcel to and from the river; and, a detour around the infrastructure to allow for continuous pedestrian travel along the river bank. As shown by many of the figures in the report (figures 2.3, 2.4, 2.8, 3.6-2b for example), the infrastructure for the project will occupy about half of the SEWD parcel. The other half will not be occupied and therefore will be subject to the public right to fish on state-owned land; and, to public use for access to and use of the navigable Feather River.

2-3

The Navigable Easement

The Feather River in this vicinity is navigable in both motorized and unmotorized small craft, and is therefore navigable and subject to the public right to engage in recreation on the river including on its temporarily dry beds and banks below ordinary high water mark (California v. Superior Court (Lyon) (1981) 29 Cal.3d 210; California v. Superior Court (Fogerty) (1981) 29 Cal.3d 240). This right is protected by the public trust (see footnote 17 of Nat’l Audubon Society v. Superior Court (1983) 33 Cal.3d 214, and includes the right to walk along the bank (Fogerty).

2-4

The Constitutional Right to Fish on State-owned Land:

The SEWD is a state agency and land held in its name is state-owned land. The public has a right to fish from and on state-owned land, excepting only that land being used for a governmental purpose incompatible with public fishing – for example a prison or

2-5

a mental hospital (Section 25, article I, California Constitution; California v. San Luis Obispo Sportsman's Assn., 22 Cal. 3d 440, 584 P.2d 1088, 149 Cal. Rptr. 482, 1978 Cal. LEXIS 297, 9 ELR 20012; "California's Constitutional Right to Fish," Coats and Bork, Lewis & Clark Law School Environmental Law, Vol. 51 No. 4). Half of the SEWD parcel will not be used for a purpose incompatible with public fishing (see figures 2.3, 2.4, 2.8, 3.6-2b, 5a, for example) and so will remain open for public fishing (whether or not the SEWD board thinks this is a good idea).

2-5
cont.

The Public Trust Doctrine's Prior Consideration, Avoiding Interference with Access, and in a Public Process, Requirement:

As a California public agency SEWD (and Department of Water Resources, Department of Fish and Wildlife, State Lands Commission and others) is also required, prior to making any decision that will affect the public trust, to consider the effect of the proposed decision on the public trust, avoiding so far as feasible any harm to the trust interest; and, to provide this consideration in a public manner facilitating public participation in the decision-making. Public access to and use of the navigable waters is at the historic core of the public trust doctrine (See footnote 17 of *National Audubon, supra*, 33 Cal.3d 419 at p. 441.)

2-6

This consideration must be given in a public manner facilitating public participation:

There is no set "procedural matrix" for determining state compliance with the public trust doctrine. (Citizens for East Shore Parks, supra, 202 Cal.App.4th at p. 576.) However, "[a]ny action which will adversely affect traditional public rights in trust lands is a matter of general public interest and should therefore be made only if there has been full consideration of the state's public interest in the matter; such actions should not be taken in some fragmentary and publicly invisible way. Only with such a safeguard can there b[e] any assurance that the public interest will get adequate public attention.' [Citation.]" (Zack's, supra, 165 Cal.App.4th at pp. 1188–1189.)

2-7

San Francisco Baykeeper, Inc. v. State Lands Com. (2015) 242 Cal.App.4th 202 [194 Cal.Rptr.3d 880].

The report fails to disclose any of the facts considered or rationale applied to deciding to not provide access across the SEWD parcel to and from the river, and to not provide a route around the infrastructure to allow continuous travel along the river bank. Simply stating that "comments were considered" without disclosing the basis upon a decision is made does not meet the procedural requirements of the public trust doctrine, as it does not allow the public to know what was considered and to respond.

2-8

It is very difficult to see why we are even having this conversation, it being so apparent

that the public has a great interest in access to and use of the river, that public agencies have obligations to protect the public's interests in access and use; and, the public can be so easily accommodated.

2-8
cont.

REMOVAL OF THE WEIR LIKELY WILL SIGNIFICANTLY INCREASE THE RECREATIONAL USE OF THE FEATHER RIVER, ALLOWING BOATS TO TRAVEL THE LENGTH OF THE RIVER FROM OROVILLE/THERMALITO TO SAN FRANCISCO BAY.

The report says that removal of the weir will have little or no effect on recreational use of the Feather River, although it does acknowledge that the removal of the weir will permit travel by boat through the area now blocked by the weir.

Public access to the Feather River would not change with implementation of the Proposed Project. Under baseline conditions, SEWD lands are not open to public access or recreation, and this would not change with the Proposed Project. (Report 3.12-7).

2-9

This is obviously false. The weir prevents motorboat travel from south of the weir to the north, and from north of the weir to the south; and, requires a row-boat, canoe or kayak to shoot the weir, portage around the weir, or paddle back to where one came from, either upstream to Live Oak or downstream to Yuba City. The removal of the weir likely will result in a massive increase in public use of the Feather River between Live Oak and Yuba City, as well as use from Oroville/Thermalito to the Feather River's mouth on the Sacramento and on the Sacramento River through the Delta to the Bay. The Feather River is warm and slow as compared to the Sacramento and the American, much more attractive and relatively safe for recreational kayak and canoe users as compared to the Sacramento and American.

References to the Morse Road Unit of the Feather River Wildlife Area are misleading.

The Department of Fish and Wildlife does not disclose the existence of the Morse Road Unit of the Feather River Wildlife Area in its website material on the Feather River Wildlife Area. The Morse Road Unit does not appear on DFW's map of the Feather River Wildlife Area. There are no signs on Live Oak Boulevard or on Morse Road indicating the route to the Morse Road Unit. Land owners and farmers in the vicinity accost potential visitors, saying that there is no public access to the Unit and that they will call the sheriff and have visitors arrested. The DFW staff advise the public that there is no acknowledged access to the Morse Road Unit (other than access from the river). The landowners have driven the holders of deer-hunting tags off the legally correct route, disputing the public ownership of the land under the levee.

2-10

When the Morse Road Unit lands were acquired, they were the northern most tip of larger ranch. Any implied right of access was over that ranch, over unimproved dirt roads. The unit was within about 300 feet of the public road right of way for Morse

Road to the north, but that 300 feet was privately owned land under the west bank levee. As a result, the owner of the fee was able to and did keep the public off the levee and away from the Unit, asserting that the Levee District had an easement to maintain a flood protection levee, but not for recreational use. Then, in about 2015 and in connection with the Feather River West Levee Improvement Project, the Sutter Butte Flood Control Agency acquired the fee interest in the land under the levee. After that the public should have convenient access to the Unit by driving from Live Oak Boulevard easterly along the Morse Road right-of-way to the toe of the levee, parking there and proceeding up the levee, then south about 300 feet, then down the wet side of the levee to the Morse Road Unit. However, the neighboring landowners and farmers still tell the public that there is no public access and that they will call the sheriff on any visitors. "No-trespassing" signs are posted on the levee ramp. Signs stating "no river access" are posted. DFW does nothing to protect public use. This is based on personal experience. I can have a copy of the deed from the landowner to the SBFCA in hand, and still be told I have no right to be there and that they are calling the sheriff. Very few potential users have a copy of that deed and are willing to run the risk of dealing with a sheriff while a landowner demands a citation.

Further, the western portion of this Unit is dense, practically impenetrable jungle without any open paths.

For these reasons it is as best misleading to suggest that the public has convenient access at Morse Road,

2-10
cont.

Comment Letter 3

From: Marr, Kevin@DWR <Kevin.Marr@water.ca.gov>
Sent: Wednesday, January 14, 2026 3:35:24 PM
To: Francis Coats <fecoats@msn.com>
Subject: RE: Comments on Sunset Weir and Pumps Fish Passage Draft SEIR

Hello Francis,

Thank you for your 3rd comment on the Draft Supplemental Environmental Impact Report for the [Sunset Weir and Pumps Fish Passage Project](#). Your comments have been recorded as part of the record for this project. The site is not open to the public, but I will ask if SEWD is open to visitors from the public during the comment solicitation period. After the comment solicitation period ends, all comments received will be addressed in a response to comments section in the final version of the SEIR. I may reach out to you for further clarification; if you have any additional comments, please submit them by the end of the solicitation period at 5:00 PM on February 23, 2026 to ensure they are addressed in the final document.

Sincerely,
Kevin Marr, M.S.
CEQA Coordinator
Division of Multibenefit Initiatives
Department of Water Resources

From: Francis Coats <fecoats@msn.com>
Sent: Tuesday, January 13, 2026 6:58 PM

To: Marr, Kevin@DWR <Kevin.Marr@water.ca.gov>

Subject: Comments on Sunset Weir and Pumps Fish Passage Draft SEIR

Kevin:

Today at 1:00 pm a SEWD employee and tenant asked me to not take pictures of the SEWD 1.5 acre parcel, Sutter County APN 009-305-002, involved in the Sunset Weir and Pumps Fish Passage Draft SEIR. He also stated that the parcel is privately owned and that the Sutter Butte Flood Control Agency levee is privately owned. I was deterred from entering the property to see what the riverbank looks like and take pictures, and that gets in the way of effectively commenting. This is my area of expertise. If almost anyone else had been told what I was told, they would believe it.

DWR and SEWD are both aware:

That the public has the right to fish on and from state-owned land and do those things necessary and convenient to enjoy the right, excepting only that land being used for a governmental purpose incompatible with public fishing;

That the public has a right to be on the navigable Feather River and its bed and banks below ordinary annual highwater mark and there engage in recreational activity;

That a California public agency is obligated before making a decision that will affect a public trust interest to consider the effect of the decision on the public trust interest, avoiding so far as feasible any harm to the interest, and that this consideration must be given in a public manner facilitating public participation in the decision making.

That SEWD is a state public agency and that land held in its name is state-owned land.

In the long run whether the state constitution applies (regardless of what SEWD says) will be a major issue in this process. For the moment SEWD is lying to the interested public and interfering with the process, creating risks for an otherwise popular project.

Attached are photographs of a privately owned pickup and stock trailer, apparently belonging to the SEWD tenant and employee who spoke to me, parked on the parcel, which indicates that SEWD should not have a problem with other members of the public parking on the parcel. This also tends to show that not all of the property is being used for a governmental purpose incompatible with public fishing - some of it is used by a private party for parking his truck and trailer.

Francis Coats

Sent from my Verizon, Samsung Galaxy smartphone

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3-1

3-2

3-3

3-4



Comment Letter 4

From: Marr, Kevin@DWR
To: ["AlfredKannely"](#)
Subject: RE: Comments on Sunset Weir and Pumps Fish Passage Draft SEIR
Date: Wednesday, January 14, 2026 3:18:00 PM

Hello Al,

Thank you for your comments on the Draft Supplemental Environmental Impact Report for the [Sunset Weir and Pumps Fish Passage Project](#). Your comments have been recorded as part of the record for this project, and we are working to respond to your request for more information. After the comment solicitation period ends, all comments received will be addressed in a response to comments section in the final version of the SEIR. I may reach out to you for further clarification; if you have any additional comments, please submit them by the end of the solicitation period at 5:00 PM on February 23, 2026 to ensure they are addressed in the final document.

Sincerely,
Kevin Marr, M.S.
CEQA Coordinator
Division of Multibenefit Initiatives
Department of Water Resources

From: AlfredKannely <AlfredKannely@protonmail.com>
Sent: Wednesday, January 14, 2026 9:36 AM
To: Marr, Kevin@DWR <Kevin.Marr@water.ca.gov>
Subject: Comments on Sunset Weir and Pumps Fish Passage Draft SEIR

Mr. Marr,

Thank you for taking my call and discussing the project with me the other day, I appreciate it and look forward to seeing a good fish passage project get completed. My comments are as follows:

1. "Figure 2-3 Main Project Site - Existing Conditions and Facilities Overview" This map, as well as others, don't show accurate property lines. My property (the adjacent parcel to the north) was surveyed and the boundaries staked by DWR in May of 2025. 4-1
2. "Figure 2-4 On-Site Project Components" in the "Keyed notes" section items 3 and 4 appear to be mislabeled. 4-2
3. "Figure 2-4 On-Site Project Components" a staging area and installation of "HVF" are shown on my property. No agreements have been made for this and I would like some assurance that no project activities will occur on my property. Also, I would like to know when the fencing, tank, etc. that belongs to the irrigation district will be removed from my property. 4-3
4-4
4. Since my property is very close to the house can you please provide me with your plan to keep construction activities, personnel, fill dirt, etc. off of my property? 4-5

5. The area described as "Left Bank Scour" is currently providing really good off channel deep water habitat for many fish species. I dive there and often see sturgeon, salmon, steelhead, and pretty much most common species of fish. I know you have to dispose of the rock from the dam somewhere, but it would be really great if you just stabilized the bank and revegetated it where it is now and left as much of that off channel pool habitat intact.

4-6

6.

6. Thank you,
Al Kannely
3558 Paseo Ave
Live Oak CA 95953
530-695-2020

Sent with [Proton Mail](#) secure email.

On Friday, January 9th, 2026 at 9:10 AM, Marr, Kevin@DWR <Kevin.Marr@water.ca.gov> wrote:

Hello,

Thank you for your interest in the Sunset Weir and Pumps Fish Passage Project. Please see the attached notice from the Department of Water Resources regarding the availability of the Draft Supplemental Environmental Impact Report for public comment in compliance with the California Environmental Quality Act. A hardcopy of this notice has also been sent to you in the mail.

Sincerely,

Kevin Marr, M.S.
Environmental Scientist
Riverine Stewardship Program
Department of Water Resources

Comment Letter 5

From: [Francis Coats](#)
To: Marr, Kevin@DWR
Subject: Re: Comments on Sunset Weir and Pumps Fish Passage Draft SEIR
Date: Thursday, January 15, 2026 7:36:56 AM

Kevin: Thanks. Just to be clear:

The public has a present existing easement, a profit a prendre, to fish on the SEWD parcel, and to do those things necessary and convenient to enjoy the right to fish. SEWD may exclude the public from portions of the parcel being used for governmental purposes incompatible with public fishing (valve house, pump works, residence, P. G. & E. Encinal substation). Otherwise SEWD has no authority to exclude the fishing public.

The draft report is misleading where it suggests that the SEWD does not permit public access, as SEWD has no authority to interfere with access under section. 25 article I of the state constitution.

5-1

5-2

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

Comment Letter 6

From: [Francis Coats](#)
To: Marr, Kevin@DWR
Subject: Comment onfor Sunset Weir and Pumps Fish Passage
Date: Tuesday, January 20, 2026 8:24:49 AM

Kevin: The Attached comment at the notice of preparation phase does not appear in the Draft SEIR..

Also, the Draft SEIR does not reflect any consideration of the effect of the proposed work on public access to and use of the Feather River including its banks; and does not reflect any consideration of the effect of the project on public use of the SEWD parcel for fishing including for parking and access to the river.

The report indicates that SEWD does not permit public access to its lands. SEWD has no authority to close its land to public fishing except for when it is using the land for a governmental purpose incompatible with public fishing -for example a prison or a mental hospital.

If the SEWD is going to claim it is not obligated to accommodate fishing then it needs to discuss why fishing is incompatible with its use, in a public manner facilitating public discussion.

Also the sponsors, SEWD and DWR, need to discuss before decision making in a public manner facilitating public participation, feasible alternatives to SEWD's general prohibition on public use of its parcel for access to the river for fishing and other recreational purposes, and they need to avoid interfering with that use so far as feasible.

Also, a discussion of the extent to which the project, including a larger pump structure on the bank and difficult to walk on rip rap on the bank, impairs public use, and feasible mitigation for this impairment.

Francis Coats

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: D N <dcneubert@gmail.com>
Sent: Sunday, January 18, 2026 6:20:49 PM
To: Frank Coats <fecoats@msn.com>
Subject: Fwd: Comment on the NOP for SEIR for Sunset Weir Fish Passage and Pump Project

Frank,

Below see my email of 28 August 2024 regarding the Sunset Weir project.

David

Sent from my iPhone

Begin forwarded message:

From: D N <dcneubert@gmail.com>
Date: August 28, 2024 at 8:45:39 PM PDT
To: kevin.marr@water.ca.gov
Subject: Comment on the NOP for SEIR for Sunset Weir Fish Passage and Pump Project

Kevin,
Below, please find my comments on the proposed Sunset Weir Fish Passage and Pump project.

For many years the Sunset Weir pumping plant and associated infrastructure has imposed a high environmental cost on the aquatic ecosystem as well as on the general public's ability to access the river for fishing, hunting, birding, kayaking and canoeing, etc. The Sunset Weir complex has historically disrupted river navigation in a way that stopped all boat traffic between the Live Oak Boat Ramp (1100 Pennington Road) and The Yuba City Boat Ramp, (80 Second Street).

As part of the Sunset project's overall development, I hope that state and local officials, as well as the agricultural community that benefits from this water taken from the river, will support the following mitigation activities:

- Develop a public access point to the river via Paseo Road
- Install a day-use parking area near the river access point which is available for use by the general public
- Create a non-motorized, small-craft, boat ramp near the parking lot for put-in and take-out of kayaks and canoes
- Restore habitat on the river bank to create a shaded riparian aquatic (SRA) environment
- Restore habitat between the river and levee and mitigate "on-site" or near the project site for acres lost to pumping plant, water control structures, canals and related infrastructure

Currently there is no designated location on the Lower Feather River where kayaks and canoes can be safely launched upstream and pulled out downstream on public land. By installing a simple, low cost, sloped gravel ramp at the Sunset project site, over 20 miles of river will be opened up for non-motorized boat use. Launching from the public ramp in Gridley and takeout at Sunset is about a 10 mile float. And, launching from Sunset with a Yuba City takeout is also about a 10 mile float. These are perfect distances for a half day paddle.

Today, non-motorized boats effectively cannot access "through floats" on the Feather River. Boat ramps on the Lower Feather all required put-in and takeout at the same location due to navigation blocks such as the Sunset Weir and the Shanghai Bend rapids. Other ramps are located far away from bridges, making it impractical to launch on the left bank and takeout on the right bank. Or, the ramps located on the same bank are located far apart (for example, the 26+ miles between the Starr Bend ramp in Yuba County and the Elkhorn ramp located under the I-5 bridge). Installing a non-motorized ramp at Sunset is a unique opportunity to create low cost, safe, sustainable, recreational infrastructure in a community that has historically suffered from lack of investment by the State for river access projects.

Thank you,
David Neubert
Sutter County resident

Comment Letter 7

From: Marr, Kevin@DWR
To: ["Francis Coats"](#)
Subject: RE: Comments on Sunset Weir and Pumps Draft SEIR - Compatibility with public fishing; feasibility of permitting access
Date: Wednesday, January 21, 2026 9:09:00 AM

Hello Francis,

Thank you for sending a 5th and 6th email yesterday with comments on the Draft Supplemental Environmental Impact Report for the [Sunset Weir and Pumps Fish Passage Project](#). Your comments have been recorded as part of the record for this project. After the comment solicitation period ends, all comments received will be addressed in a response to comments section in the final version of the SEIR. I may reach out to you for further clarification; if you have any additional comments, please submit them by the end of the solicitation period at 5:00 PM on February 23, 2026 to ensure they are addressed in the final document.

Sincerely,

Kevin Marr, M.S.

CEQA Coordinator

Division of Multibenefit Initiatives

Department of Water Resources

From: Francis Coats <fecoats@msn.com>
Sent: Tuesday, January 20, 2026 4:20 PM
To: Marr, Kevin@DWR <Kevin.Marr@water.ca.gov>
Subject: Comments on Sunset Weir and Pumps Draft SEIR - Compatibility with public fishing; feasibility of permitting access

Referring to figure 2.8 of the Report, it appears that there is over sixty feet of clearance between the pump wet well, pump discharge pad and retaining wall, to both the northerly and southerly SRWD property lines, providing ample room for public access to the river.

The westerly retaining wall of the pump wet well and discharge pad structure is about 30 feet east of the residence, again leaving ample room for pedestrian travel to the river bank north of the pump related infrastructure.

West of the retaining wall is a large open grassy lawn which appears compatible with pedestrian access to the river.

The drawing shows a large area of rip rap along the riverbank north and south of the pump wet well, which feasibly could be treated to be convenient for walking - perhaps filling interstices with gravel.

If a member the public can get to the river bank below ordinary annual high-water mark then the person can walk along the bank for as far as they can or are willing to walk to enjoy the river. Access across the SEWD parcel to and from the river is very important to

7-1

7-2

making the river accessible

↑
7-2
cont.

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

Comment Letter 8

From: [Brandy Chaffin](#)
To: Marr, Kevin@DWR
Subject: Sunse Weir and Pumps Fish Passage Project
Date: Friday, January 23, 2026 1:46:18 PM

You don't often get email from bfishingqueen@yahoo.com. [Learn why this is important](#)

Good afternoon Mr. Marr. It was brought to my attention of the possibility of the Passage Project altering the outstanding fishing spot that is described as the "Left Bank Scour" in your EIR. This has been an important habitat for many fish species that have thrived in this location for many years. I have been diving this area for a great number of those years and think it's one of the most essential to maintain. If there is any way that you can just stabilize the bank without filling the hole, it would be much appreciated.

Thank You for Your Consideration,
Brandy Chaffin
Local Resident

8-1

From: [Francis Coats](#)
To: Marr, Kevin@DWR
Cc: Harse, George@Wildlife
Subject: Comments on Sunset Weir and Pumps Draft SEIR;
Date: Monday, January 26, 2026 11:25:17 AM

Alternative river access at the Morse Road Unit of the Feather River Wildlife Area; protecting walkability of the bank; compatible use, feasible use

The Draft SEIR indicates that there is public access to the right bank of the Feather River two miles south of the project site.

After four calls over the last week I was finally able to speak to George Harse, biologist/manager of the Feather River Wildlife Area on behalf of the Department of Fish and Wildlife.

He was previously not aware of the existence of the Morse Road Unit of the Feather River Wildlife area, on the right or west bank of the river about two miles south of the project area. He said that he suspected there was no surface public access because the DFW did not disclose the existence of the unit on its website and did not show it on its map of the Feather River Wildlife Area.

I would add that there are no signs indicating the presence of the wildlife area unit on Live Oak Boulevard or on Morse Road, and no signs directing the public to the unit.

Further, the neighboring land-owners and operators post "no-trespassing" and "no river access" signs, and accost visitors, telling them that there is no access and threatening to call the sheriff (my personal experience).

Further, access across the wildlife area is obstructed by dense jungle along the northerly part of its eastern line.

In a technical sense there is legal access from Live Oak Boulevard and along the Morse Road county road right-of-way to the levee; then along the Sutter Butte Flood Control Agency right of way southerly to the Morse Road Unit; but information concerning this route is not made available to the public in a useable form (see deed from Morse to Sutter County dated July 14, 1926, recorded October 19, 1926 at book 87 page 253; deed from Filters to Sutter Butte Flood Control Agency, dated July 16, 2013, recorded October 22, 2013 at 2013-0017098).

The SEIR is quite misleading in suggesting that access at the Sunset Weir site and across the SEWD parcel is unnecessary because of the presence of a unit of the Feather River Wildlife Area two miles to the south.

Also: The bank contouring and bank erosion rip-rap work will interfere with public travel along the banks of the river. I would request that the contouring and bank erosion work be done so as to facilitate public walking along, and fishing along, the bank. Possibly covering the rip-rap

9-1

9-2

9-3

with gravel to create a more even walkable surface would help. The pump works themselves will necessarily obstruct travel along the bank. I request that a pedestrian detour around the new pump works be provided to mitigate the obstruction of the pump works.

9-3
cont.

Also, not that the SEWD and DWR are California Public agencies subject to an affirmative obligation to protect public trust rights under the public trust doctrine, including both access to the Feather River as a navigable public trust land; and, opportunities to fish in the Feather River from and on the state-owned SEWD parcel. In that light I would ask that they assure that the work to be done does not harm or foreclose opportunities for public access between the levee crown road and the river both upstream and downstream from the proposed pump works. At this time Figure 2-8 of the SEIR clearly shows about 70 feet of clearance between the pump works and both north and south parcel lines. The parcel already accommodates a residence along its northerly line and a derelict chicken coop along its southerly line. There is no indication that public fishing is incompatible with the use of the property for the pump works and valve house. There is no indication at providing public access to the river is not feasible.

9-4

As public fishing from and on the SEWD parcel may be compatible with its use for a pumping plant and valve house; and, allowing public access across the parcel for public access to the river may be feasible, please make sure no design changes from what has been disclosed and which would foreclose such use be adopted.

Francis Coats
3392 Caminito Avenue,
Yuba City, CA 959991;
Fecoats@msn.com;
(530) 701-6116

From: [Chris Saxl](#)
To: [Marr, Kevin@DWR](mailto:Marr,Kevin@DWR)
Subject: SCH Number 2024080016 Sunset weir, feather river
Date: Tuesday, February 3, 2026 9:50:32 PM

You don't often get email from chrissaxl@gmail.com. [Learn why this is important](#)

Mr. Marr,

The area described as "Left Bank Scour" is currently providing really good off channel deep water habitat for many fish species. I dive there and see sturgeon, salmon, steelhead, and pretty much most common species of fish.

You'll have to dispose of the rock from the dam somewhere, but it would be really great if you just stabilized the bank and revegetated it where it is now and left as much of that off channel pool habitat intact

Thank you,

Chris saxl
2157 Wilkins ave
Napa , ca 94559

C 410-310-0323

10-1

From: [D N](#)
To: Marr, Kevin@DWR
Subject: Comments on the Sunset Weir Fish Passage and Pump Project
Date: Wednesday, February 4, 2026 7:11:06 PM

You don't often get email from dcneubert@gmail.com. [Learn why this is important](#)

Kevin,

Can you please make sure the comments I emailed to you on 8 August 2024 regarding the Sunset Weir Fish Passage & Pump Project are included in the public record. It appears that my comments were omitted from the DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SUNSET WEIR AND PUMPS FISH PASSAGE PROJECT. Please see a copy of my original email and comments below.

Best,

David Neubert

Sutter County Resident

Begin forwarded message:

From: D N <dcneubert@gmail.com>

Date: August 28, 2024 at 8:45:39 PM PDT

To: kevin.marr@water.ca.gov

Subject: Comment on the NOP for SEIR for Sunset Weir Fish Passage and Pump Project

Kevin,

Below, please find my comments on the proposed Sunset Weir Fish Passage and Pump project.

For many years the Sunset Weir pumping plant and associated infrastructure has imposed a high environmental cost on the aquatic ecosystem as well as on the general public's ability to access the river for fishing, hunting, birding, kayaking and canoeing, etc. The Sunset Weir complex has historically disrupted river navigation in a way that stopped all boat traffic between the Live Oak Boat Ramp (1100 Pennington Road) and The Yuba City Boat Ramp, (80 Second Street).

As part of the Sunset project's overall development, I hope that state and local officials, as well as the agricultural community that benefits from this water taken from the river, will support the following mitigation activities:

- Develop a public access point to the river via Paseo Road
- Install a day-use parking area near the river access point which is available for use by the

general public

- Create a non-motorized, small-craft, boat ramp near the parking lot for put-in and take-out of kayaks and canoes
- Restore habitat on the river bank to create a shaded riparian aquatic (SRA) environment
- Restore habitat between the river and levee and mitigate "on-site" or near the project site for acres lost to pumping plant, water control structures, canals and related infrastructure

Currently there is no designated location on the Lower Feather River where kayaks and canoes can be safely launched upstream and pulled out downstream on public land. By installing a simple, low cost, sloped gravel ramp at the Sunset project site, over 20 miles of river will be opened up for non-motorized boat use. Launching from the public ramp in Gridley and takeout at Sunset is about a 10 mile float. And, launching from Sunset with a Yuba City takeout is also about a 10 mile float. These are perfect distances for a half day paddle.

Today, non-motorized boats effectively cannot access "through floats" on the Feather River. Boat ramps on the Lower Feather all required put-in and takeout at the same location due to navigation blocks such as the Sunset Weir and the Shanghai Bend rapids. Other ramps are located far away from bridges, making it impractical to launch on the left bank and takeout on the right bank. Or, the ramps located on the same bank are located far apart (for example, the 26+ miles between the Starr Bend ramp in Yuba County and the Elkhorn ramp located under the I-5 bridge). Installing a non-motorized ramp at Sunset is a unique opportunity to create low cost, safe, sustainable, recreational infrastructure in a community that has historically suffered from lack of investment by the State for river access projects.

Thank you,
David Neubert
Sutter County resident

↑
11-3
cont.

11-4

11-5

Comment Letter 12

Sunset Weir and Pumps Fish Passage Project

California Environmental Quality Act (CEQA) Public Meeting for the Draft Supplemental Environmental Impact Report

Yuba City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA 95993

February 5, 2026, 5 p.m.

Eric Hess: The, the technical aspects seem, exciting. I'm looking forward to this. I didn't realize that thing had been in there for 100 years. And so, didn't you used to work there?

Lynn Phillips: Me?

Eric Hess: You.

Lynn Phillips: I still work there.

Eric Hess: You still work there. I thought I was, granted access with my canoe right below the weir to... for a recreational, point of view, that's what I'm actually really looking forward to, is being able to canoe, use that waterway from Live Oak to Yuba City. We tried portaging around the weir, two summers ago, and it was a hairy experience. I don't recommend doing that to anyone with anybody. But, if that is going to be mitigated, then I am totally for that, as long as the farmers can still get their water, which it looks to me like the technical aspects got that covered. So, yeah, that's why I'm here from a recreational point of view. I enjoy that access, and I thank you for allowing that to happen. So that's all I had to say.

12-1

Sunset Weir and Pumps Fish Passage Project
California Environmental Quality Act (CEQA) Public Meeting for the Draft Supplemental Environmental
Impact Report
Yuba City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA 95993

February 5, 2026, 5 p.m.

Francis Coats: Thank you. Francis Coates, I'm not with an organization. The...The Sutter Extension Water District has flat refused to discuss mitigation if it involves crossing their land. So I think they're putting the whole process at risk because if you come and you say it would be a good idea, since you're blocking public travel along the bank of the river below high watermark, then why don't you let us walk around your pump station, so we can get up and down the river? And the response four times in Chapter 3.12 is, we don't let people on the property.

13-1

Now, so, you know, they're just flat refusing to parti... the District is refusing to participate in the CEQA process. They give no explanation of why they're not, they're not doing this. They just say they're not allowing.

Also, this is kind of silly, because the public, of course, already has the right to be on the bank of the river on their property or off the property. The public... they're a state agency. The public already has a right to be on their property to fish and the only exception is if they're using a property for a purpose incompatible with fishing. And if you had a drawing up there of the property, you'll see that we'll say there's 70 feet or so between the pump station, as proposed, and the property line on either side.

13-2

There's a lot of room to allow the public to cross that land from the levee to get to the water. Or to walk around the pump station to get up and down the riverbank, which they're obstructing with their pump station.

Another thing I wanted to mention is the reference to Morse Road Wildlife Area. If you call... I have... I sent you... sent you guys, the State Department of Fish and Wildlife says there's no vehicle, no surface land access to the Morse Road Wildlife Area. So, according to them, you don't have access to the river between Live Oak, and Yuba City at Highway 20.

13-3

Now, they're wrong, but that's what they're telling the public. And also, if you go there, the neighboring landowners will threaten to call the sheriff on you. So...

Okay, okay, we've got a few seconds. We've got a public right to fish. I mentioned that, the Constitution. It seems silly of the District to be unwilling to discuss mitigation at all given that there are these existing rights to be on the land anyway. I mean, they don't want to discuss them, then tomorrow morning, I drive out there and say, interesting, no trespassing sign you have there. And ignore them.

13-4

Thank you.

Sunset Weir and Pumps Fish Passage Project
California Environmental Quality Act (CEQA) Public Meeting for the Draft Supplemental Environmental
Impact Report
Yuba City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA 95993

February 5, 2026, 5 p.m.

David Neubert: Thank you. Well, first, I just want to start out by saying that I do support the project, and it's really my attitude on it is, it's about time. The fish passage component of it is really important. I'll be very happy to see that weir come down. And like others in the room, my primary reason for being here is because that weir has been an obstruction to recreation for decades. And I'd like to see it taken out. It's... and then I would also like to see public access at that point, somewhere upstream, probably downstream of the pump house, for, non-motorized boat access, so we can put our kayaks and canoes there. If you have to kayak from Gridley to Yuba City, that's a 20-mile run, and you have to navigate around this... well, right now, you have to navigate around the weir, you have to portage. Yeah, which is practically impossible. Well, that'll be out. But a 20-mile run is really, for most people, they won't... they can't do that. So this sits right in the middle of that 20-mile section. So it opens up the perfect length run from Gridley down to Sunset and then from Sunset, put in, and you could do another 10 miles down to Yuba City. So if we want, really, multi-benefit projects, like DWR likes to talk about, then they need to include this in their... in their program. And so, I'd like to see access, I would like to see some clear parking areas, so we don't have conflicts with local, landowners. As mentioned, the Morse Road Wildlife Area is one of those conflict areas. The local landowners will come out there and threaten you if you try to even access that property. So, you know. Saying that Morse Road has some sort of mitigation benefit to this project in terms of public access recreation is not true.

14-1

14-2

And, the other thing, so I think that covers the, access points, and that's really what I'm emphasizing here. But the other thing is, I want to see some shaded riparian bank restoration mitigation for salmonids. If...that, you know, to make sure that that gets worked in. You guys are doing riprap, riprap, and you know, I understand you need to protect the pumps, and that's just part of the business of doing a pump plant there. But, to offset the environmental damage that that's creating, I, I'd like to see the SRA put in.

14-3

That's all. I yield my final 5 seconds.

Comment Letter 15

Sunset Weir and Pumps Fish Passage Project

California Environmental Quality Act (CEQA) Public Meeting for the Draft Supplemental Environmental Impact Report
Yuba City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA 95993

February 5, 2026, 5 p.m.

Dale Whitmore: Thank you very much. And... I go along with all the previous speakers, the public access element on this property is, to me, is very important. Our communities have been way behind for decades. We're trying to get access to our rivers. And this piece of property here could provide fishing and kayaking access to the river. It's glad to see that this project is going through to clear the river of all these rocks and but yet, make sure that the farmers have got the water. And it looks like it's got a design that hopefully will work, but if it doesn't work, I'm sure somebody will come up with a way to fix it. But we're moving ahead and trying to get public access or foot traffic onto this parcel so people can go fishing and put in their kayaks. And with that, that's all I've got to say. I do have a letter I wanted to submit.

15-1

Thank you very much.

COMMENT FORM

Public Meeting Comments
Proposed Sunset Weir and Pumps Fish Passage Project Draft Supplemental EIR
February 5, 2026

To submit a written comment, please complete the following information and comment below.
Please hand to an attendant or submit to the address listed below by **5 p.m. on Monday, February 23, 2026**. Please write legibly. *Please note that information provided to DWR (whether private or public) at this meeting will be made part of the public record.*

Name: ERIC HESS Organization: _____
Address: 2455 Gun St.
Email: less.eric@ATT.NET Phone #: (530) 870.6186

In favor of the easier Access
to the river from (downstream)
of L.O. to Y.C. 16-1

Comments may be mailed to:
California Department of Water Resources
Attention: Kevin Marr, Environmental Scientist
P.O. Box 942836
Sacramento, CA 94236-0001

Or e-mailed to:
Kevin.Marr@water.ca.gov

COMMENT FORM

Public Meeting Comments
Proposed Sunset Weir and Pumps Fish Passage Project Draft Supplemental EIR
February 5, 2026

To submit a written comment, please complete the following information and comment below.
Please hand to an attendant or submit to the address listed below by **5 p.m. on Monday, February 23, 2026**. Please write legibly. *Please note that information provided to DWR (whether private or public) at this meeting will be made part of the public record.*

Name: Dale Whitmore Organization: Yuba Feather Hunter Anglers
Outdoor Assn
Address: PO Box 463 Marysville CA 95901
Email: dwhitmore0404@gmail.com Phone #: 530 635-0046

Letter attached

Comments may be mailed to:
California Department of Water Resources
Attention: Kevin Marr, Environmental Scientist
P.O. Box 942836
Sacramento, CA 94236-0001

Or e-mailed to:
Kevin.Marr@water.ca.gov

Yuba Feather Hunters, Anglers and Outdoors Association
P.O. Box 463
Marysville, CA 95901
dwhitmore0404@gmail.com
530 635-0046

February 5, 2026

California Department of Water Resources
Attn: Kevin Marr, Environmental Scientist
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: Sunset Weir and Pumps Fish Passage Draft SEIR Comments

Dear Sirs:

This project involves the removal of a low dam, or weir, across the Feather River near Paseo Road between Yuba City and Live Oak, together with removing and replacing fish screen, pumping plant and pipelines to move water from the Feather River into the Sutter Extension Water Districts Canal, and bank re-grading and bank stabilization. The pumps and pipelines are on an approximately 1 acre parcel on the right bank of the Feather River held in the name of the Sutter Extension Water district, a public agency of the State of California. The anticipated work will foreseeably affect the public's ability to access and use the Feather River (a navigable river) and its temporarily dry bed and banks below ordinarily high water mark, and lands subject to flooding in an ordinary year from the overflow of the Feather River; and foreseeably will affect the public's ability to fish from and on the state-owned on the right of west bank of the Feather River where the pumping plant and pipelines will be located.

17-1

The Sutter Extension Water Districts Sunset Weir and Pump Station property could, and legally should, provide the public with opportunities to fish in the Feather River from and on the state-owned SEWD parcel. As you have stated, the closest designated public access point to the Sunset Weir and Pump Station is the Live Oak Recreational Boat Launch, approximately 1.75 miles upstream of the weir.

As described in the attached Jan 26, 2026 email from Francis Coats to Kevin Marr, the next closest public land is the Morse Road Unit of the Feather River Wildlife Area located about 2 miles downstream of the weir. There is no advertised public access to this property. The next river access is the Feather River Parkway public access in Yuba City, about 7 miles south of the weir.

17-2

We believe that public fishing from and on the SEWD parcel would be compatible with its use for a pumping station. The facilities should be constructed so that they can accommodate public fishing access. Bank contouring and bank erosion work should be done to facilitate public walking along, and fishing along, the bank of the Feather River.

17-3

We concur with the fishing access issues outlined in the attached Jan. 26, 2026 email.

17-4

Sincerely,

A handwritten signature in black ink that reads "Dale L. Whitmore". The signature is written in a cursive, flowing style.

Dale L. Whitmore, Chairman

Attachment: Jan. 26, 2026 email from Francis Coats to Kevin Marr, DWR.

Comments on Sunset Weir and Pumps Draft SEIR;

1 message

Francis Coats <fecoats@msn.com>

Mon, Jan 26, 2026 at 11:25 AM

To: "Marr, Kevin@DWR" <kevin.marr@water.ca.gov>

Cc: "George.Harse@wildlife.ca.gov" <george.harse@wildlife.ca.gov>

Alternative river access at the Morse Road Unit of the Feather River Wildlife Area; protecting walkability of the bank; compatible use, feasible use

The Draft SEIR indicates that there is public access to the right bank of the Feather River two miles south of the project site.

After four calls over the last week I was finally able to speak to George Harse, biologist/manager of the Feather River Wildlife Area on behalf of the Department of Fish and Wildlife.

He was previously not aware of the existence of the Morse Road Unit of the Feather River Wildlife area, on the right or west bank of the river about two miles south of the project area. He said that he suspected there was no surface public access because the DFW did not disclose the existence of the unit on its website and did not show it on its map of the Feather River Wildlife Area.

I would add that there are no signs indicating the presence of the wildlife area unit on Live Oak Boulevard or on Morse Road, and no signs directing the public to the unit.

Further, the neighboring land-owners and operators post "no-trespassing" and "no river access" signs, and accost visitors, telling them that there is no access and threatening to call the sheriff (my personal experience).

Further, access across the wildlife area is obstructed by dense jungle along the northerly part of its eastern line.

In a technical sense there is legal access from Live Oak Boulevard and along the Morse Road county road right-of-way to the levee; then along the Sutter Butte Flood Control Agency right of way southerly to the Morse Road Unit; but information concerning this route is not made available to the public in a useable form (see deed from Morse to Sutter County dated July 14, 1926, recorded October 19, 1926 at book 87 page 253; deed from Filters to Sutter Butte Flood Control Agency, dated July 16, 2013, recorded October 22, 2013 at 2013-0017098).

The SEIR is quite misleading in suggesting that access at the Sunset Weir site and across the SEWD parcel is unnecessary because of the presence of a unit of the Feather River Wildlife Area two miles to the south.

Also: The bank contouring and bank erosion rip-rap work will interfere with public travel along the banks of the river. I would request that the contouring and bank erosion work be done so as to facilitate public walking along, and fishing along, the bank. Possibly covering the rip-rap with gravel to create a more even walkable surface would help. The pump works themselves will necessarily obstruct travel along the bank. I request that a pedestrian detour around the new pump works be provided to mitigate the obstruction of the pump works.

Also, ^enot that the SEWD and DWR are California Public agencies subject to an affirmative obligation to protect public trust rights under the public trust doctrine, including both access to the Feather River as a navigable public trust land; and, opportunities to fish in the Feather River from and on the state-owned SEWD parcel. In that light I would ask that they assure that the work to be done does not harm or foreclose opportunities for public access between the levee crown road and the river both upstream and downstream from the proposed pump works. At this time Figure 2-8 of the SEIR clearly shows about 70 feet of clearance between the pump works and both north and south parcel lines. The parcel already accommodates a residence along its northerly line and a derelict chicken coop along its southerly line. There is no indication that public fishing is incompatible with the use of the property for the pump works and valve house. There is no indication at providing public access to the river is not feasible.

As public fishing from and on the SEWD parcel may be compatible with its use for a pumping plant and valve house; and, allowing public access across the parcel for public access to the river may be feasible, please make sure no design changes from what has been disclosed and which would foreclose such use be adopted.

Francis Coats
3392 Caminito Avenue,
Yuba City, CA 959991;
Fcoats@msn.com;
(530) 701-6116

From: Marr, Kevin@DWR
To: ["Francis Coats"](#)
Cc: [David Neubert](#); [Dale Whitmore](#)
Subject: RE: Sunset Weir and Pumps Fish Passage Draft SEIR
Date: Friday, February 6, 2026 3:22:00 PM

Hello Francis,

Thank you for attending the public meeting and sending a follow-up email with comments on the Draft Supplemental Environmental Impact Report for the [Sunset Weir and Pumps Fish Passage Project](#). Your comments have been recorded as part of the record for this project. After the comment solicitation period ends, all comments received will be addressed in a response to comments section in the final version of the SEIR. I may reach out to you for further clarification; if you have any additional comments, please submit them by the end of the solicitation period at 5:00 PM on February 23, 2026 to ensure they are addressed in the final document.

Sincerely,

Kevin Marr, M.S.
Environmental Scientist
Riverine Stewardship Program
Department of Water Resources

From: Francis Coats <fecoats@msn.com>
Sent: Friday, February 6, 2026 10:49 AM
To: Marr, Kevin@DWR <Kevin.Marr@water.ca.gov>
Cc: David Neubert <dcneubert@gmail.com>; Dale Whitmore <dwhitmore0404@gmail.com>
Subject: Sunset Weir and Pumps Fish Passage Draft SEIR

Sunset Weir and Pumps Fish Passage Draft SEIR; meeting Thursday, February 5, 2026 at 5:00 pm - 7:00 pm, Yuba City Council Chambers, Civic Center Bl. Yuba City

I attended the event at the Yuba City Council Chambers on Thursday evening, February 5, 2026 from 5:00 pm to 6:00 pm. The project involves the removal of the Sunset Weir on the Feather River between Yuba City and Live Oak and the replacement of the Sutter Extension Water District's pumping station on its parcel on the right bank of the river immediately upstream from the location of the weir. The work includes a new larger pumping station on the riverbank, extensive rip-rap/bank protection, and recontouring the riverbank, all of which impairs the public use of the river and riverbank, particularly walking up and down the bank for bank fishing. In prior comments I have asked for mitigation for the damage to the public

interest by permitting the public to walk around the pumping station on the landward side and by permitting public access between the levee road to the west and the river to the east. The draft SEIR notes at several places that the SEWD does not permit public access over its parcel but does not say why, thereby denying the public an opportunity to be informed of the basis of the decision to not allow public access over the SEWD parcel and to comment on the reasons given for denying access. In light of the public right to be on the riverbank up to the ordinary highwater mark, the obligation of public agencies to avoid interfering with public access to public trust lands so far as feasible, the public right to fish on state-owned land, and California's well established policy of putting a high priority on public access to and use of the state's waters and the shore, this is pretty frustrating.

18-1
cont.

I was disappointed by the meeting. Despite the written comments submitted on public access across the Sutter Extension Water District (SEWD) parcel (Sutter County Assessor's Parcel No. 009-305-002) to the river and riverbank at the Notice of Preparation phase and at the review of draft SEIR phase, and four speakers at the meeting addressing public access across the SEWD parcel to the river and riverbank, no comment or information on the subject was provided by the sponsor agencies, their engineers or consultants.

18-2

I was also disappointed that speakers were given only three minutes each to address the meeting, even though only four people spoke and the meeting was closed before six o'clock, over an hour before the scheduled end time. There was time for interaction, and the agencies declined to participate.

18-3

I was also disappointed that the meeting was completely non-interactive. Although access over the SEWD parcel was the subject of written comments at the Notice of Preparation phase and early in the review of the draft SEIR phase and four people spoke at the meeting requesting or encouraging provisions for public access over the SEWD parcel, no one from the DWR, SEWD, consultant or engineer side said anything in response.

18-4

I was able to speak to Lynn Phillips, the general manager of the SEWD after the meeting, and asked him why the district would not consider permitting the public to walk across the parcel for access to the river, or around the landward side of the pumping station for access between the riverbank north of the pumping station and the riverbank south of the pumping station. He said that it was because of concerns about liability and about protecting the district's equipment. That is not enough information to allow a member of the public to understand the problem and discuss possible mitigation.

18-5

I assume that the agencies, their engineers others involved in developing the design developed a design which is substantially safe and which is substantially secure. If that is not the case, then the first thing to do is for the engineers and other designers to do is go back over their plans and fix them so they are safe and so the district's equipment is secure.

The parcel already contains: at the southwest corner next to the levee crown road the Pacific

Gas and Electric Company's Encinal substation; north of the substation along the western line next to the levee crown road the valve house; on the northern line a residence; on the eastern line/riverbank the existing pumping station; underground tubes between the pumping station and the valve house; and a derelict chicken coop along the southern line. The substation is surrounded by a chain link fence with three strands of barbed wire along the top and various signs noting the danger and requiring people to keep out. The valve house is an enclosed corrugated steel structure, well described in the report as it was considered as a historically or culturally possibly significant structure. I don't know what is in the valve house, but an educated guess is that it contains a large, deep concrete-walled space in which the exposed tubes from the pumping station pass through valves and then continue westerly to pass through the levee. The building is a secure corrugated steel structure protecting the public from whatever may be dangerous inside and protecting whatever is inside from vandalism or other molest. Whatever is unsafe or at risk of theft or damage about the new work, the problem can most likely be solved by providing good fencing and signs as at the substation; or, by enclosing the problem area in a secure building as at the valve works.

As for the security of the residence, a fence would seem to be a feasible answer.

In addition, remote cameras and motion sensors and related transmission and processing/alerting are feasible. I have a baby monitor at home that gives me live pictures, room temperature, humidity, cry detection, and information on whether there is a person in the crib, whether the person's face is covered, whether the person has rolled over. I would guess there are some pretty good security software programs what would work with cameras and other sensors.

The proposed new pumping station largely consists of a "wet-well" structure resembling a castle keep from the middle ages, but with no windows. It appears to be neither unsafe nor vulnerable. The report discusses the plusses and minuses of running the power lines for the new pumps through the air or underground, noting that underground is safer for people and more secure from accidental or intentional damage, and apparently opting for underground despite indigenous commenters concerned about disturbance of graves and culturally significant material. Also note that the draft report addresses this issue, raised by indigenous commenters, but not public access over the SEWD parcel raised at the NOP stage by others.

In summary, based on Lynn Phillips' statement, we know that the district does not permit public access across its parcel because it is concerned with public safety/district liability, and with the security of its equipment; however, we know nothing specific other than the general characterization of the concern. We don't know why the existing design did not take care of that set of problems, and we don't know why good fences (as around the substation) or buildings (as the valve house) would not adequately address the district's concerns.

The public has the right to be on the banks of the river below ordinary annual highwater mark;

and the right to be on the SEWD parcel to fish; and, the DWR and SEWD are affirmatively obligated to protect the public's rights to access and use the river so far as feasible and to the extent that public use including fishing can be accommodated while also accommodating the use of the parcel for the pumping station. So far the information provided the public indicates that public pedestrian travel across the parcel is feasible and not incompatible with its use for the pumping station. If the sponsors believe that public use is not feasible or is incompatible with the use, it is for the sponsors to provide this information so that the public may participate in this decision process.

Thank you for your consideration

Francis E. Coats

3392 Caminito Avenue, Yuba City, CA 95991;

fecoats@msn.com;

(530) 701-6116

↑
18-5
cont.

Comment Letter 19

From: [Mulloy, Lauren@Wildlife](mailto:Mulloy.Lauren@Wildlife)
To: [Marr, Kevin@DWR](mailto:Marr.Kevin@DWR)
Cc: [Wildlife R2 CEQA](#); [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife); [Sheya, Tanya@Wildlife](mailto:Sheya.Tanya@Wildlife); [Kilgour, Morgan@Wildlife](mailto:Kilgour.Morgan@Wildlife)
Subject: CDFW Comments on Sunset Weir and Pumps Fish Passage Project - Draft Supplemental Environmental Impact Report (SCH No. 2024080016)
Date: Friday, February 20, 2026 4:44:55 PM
Attachments: [image001.png](#)

You don't often get email from lauren.mulloy@wildlife.ca.gov. [Learn why this is important](#)

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.^[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, 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

19-1

19-2

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.

↑ 19.2
cont.
19-3

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.

19-4

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.

19-5

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.

19-6

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.)

19-7

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.

19-8

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.

Sincerely,

Lauren Mulloy
Senior Environmental Scientist (Specialist)



North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Cell: (916) 358-2909

To report poachers and polluters please call 1-888-334-2258.

^[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.

Comment Letter 20

From: [Kathleen Cosby](#)
To: [Ballanti, Rachel@DWR](mailto:Ballanti.Rachel@DWR)
Subject: Fwd: public comment for Sunset Weir / Pumps Fish Passage Project
Date: Monday, February 23, 2026 11:07:39 PM

You don't often get email from cosbykat@gmail.com. [Learn why this is important](#)

Hi!

per the auto-reply from Kevin Marr's email, I am sending this to you to register my opinion on the Sunset Weir/Pump project.

Thanks, Kathy

>> Please contact Rachel Ballanti, Rachel.Ballanti@water.ca.gov, for any matters related to the Sunset Weir and Pumps Project.

----- Forwarded message -----

From: **Kathleen Cosby** <cosbykat@gmail.com>
Date: Mon, Feb 23, 2026 at 11:02 PM
Subject: public comment for Sunset Weir / Pumps Fish Passage Project
To: <kevin.marr@water.ca.gov>

Hi Mr. Marr,

I'm writing on the last day for public comment for the Sunset Weir and Pumps Fish Passage Project on the Feather River in Live Oak. I hope you can consider my comments as you move forward with the project. Feel free to forward / share and I can be reached at 415-515-2386 with any questions.

20-1

I've dived in and around that section of the Feather River a number of times. I have kicked along the banks and eaten cool, ripe California wild grapes and blackberries while swimming home after a dive day in the fall. I've seen numbers of fish, water insects, and many bird species who make their homes in that area, and pass through it as part of their life cycles. It's a pretty special and beautiful place.

In particular, the scour hole / the deep pool formed at the edge of the dam is pretty incredible. I've held my breath and dived and watched as countless fish swirl past me and disappear again into the bubbles. There's a lot going on there - it's a wild and rich habitat under that churning water. From bottom to top, I've seen huge old weird crazy fish living under ancient submerged logs that you'd never see from the surface while hook-and-lining, and stripers, and tons of little fish and everything in between. The current and the changes in depth going into and out of that pool give fish everything from a place to rest, or ride the current, hunt for food, or hide in the deep shadows at the bottom.

20-2

My hope is that you can stabilize the banks as needed, but leave that deep pool and not fill it with excess boulders from the demolition. It's a magical place to dive, and it's full of fish who clearly all get some value out of it. As you complete this large project, I know it will have impacts which you all will strive to manage in thoughtful ways. I hope you can avoid too

20-3

radical of a change to this unique spot which has importance for all sizes and species of fish, from the little ones to the biggest ones.

↑
20-3
cont.

I look forward to bringing my daughter there one day to dive - she's a very knowledgeable young birder and knows a ton about native plants and wildlife and California habitats, and I've told her about this spot many times. I'd like her to see the deep pool there as wild and alive as I have gotten to see it. I would like her to know that this project was carried out by people who care about and conserve what's working well for animals, as our human needs for the dam project are met.

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20-4
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Thank you for taking my comment into consideration,
Kathy Cosby
415-515-2386