

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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September 16, 2026

Seamus Laffey, Senior Planner
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Subject: Brar Farms Residential Development Project, Draft Environmental Impact Report, SCH No. 2025090414, City of West Sacramento, Yolo County

Dear Seamus Laffey:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of West Sacramento (City) for the Brar Farms Residential Development Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of 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. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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 is also submitting comments 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, 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.

Fully Protected Species

Fully protected species, such as white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows: the take is for necessary scientific research; efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (NCCP)(Fish & G.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Code, §§ 3511, 4700, 5050, & 5515). Specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of West Sacramento

Objective: The objective of the Project is to construct a subdivision on an approximately 60-acre property to create 259 lots for future single-family homes, comprising approximately 34.78 acres of residential development and 15 open space lots totaling 6.65 acres. The open space lots would include a 0.68-acre park, a 0.14-acre parklet at the corner of Marshall Road and Otis Avenue, and 1.81 acres of landscaped lots distributed throughout the proposed development to provide green space and buffers. Additionally, the open space areas would include a 4.02-acre detention basin, which would also serve as a recreational field during dry seasons. Of the proposed residential lots, 242 would range in size from 5,000 to 8,400 net square feet. Seventeen of the proposed residential lots would be oversized lots and reach up to 14,800 net square feet. Landscaping, roadways, and utility improvements would also be installed on the Project site.

Location: The intersection of Marshall Road and Otis Avenue in the City of West Sacramento in Yolo County, California. The Project site consists of five parcels (Assessor's Parcel Numbers [APNs]: 045-260-008, 045-260-009, 045-260-010, 045-270-001, 045-270-002).

Timeframe: Project-related construction activities are expected to begin in 2027 or 2028.

COMMENTS AND RECOMMENDATIONS

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

COMMENT 1: Yolo Habitat Conservation Plan/Natural Community Conservation Plan

The draft EIR references the Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) multiple times noting that this Project will likely receive federal Endangered Species Act (ESA) "take" coverage for special-status species, however, it does not definitively confirm Project coverage. Additionally, since the plan is an NCCP, it provides CESA take coverage in addition to federal ESA take coverage. CDFW recommends revising the draft EIR to explicitly indicate whether or not the Yolo HCP/NCCP will cover the Project to mitigate all potential impacts of this Project.

Without confirmed participation in Yolo HCP/NCCP plan coverage, the draft EIR currently does not incorporate adequate minimization and mitigation measures for species. For instance, the draft EIR does not include any mitigation requirements for conserving special-status species habitat in perpetuity, including burrowing owl (*Athene cunicularia*) or Swainson's hawk (*Buteo swainsoni*). Alternatively, participation in the Yolo HCP/NCCP, as accepted by the Yolo Habitat Conservancy, would automatically provide compensatory mitigation for development impacts.

CDFW recommends that the EIR clearly describe how the Project will compensate for all Project-related permanent and temporary impacts and identify and describe alternative compensatory mitigation options should participation in the Yolo HCP/NCCP not be possible. The following comments outline specific recommendations for addressing species impacts in the draft EIR in the event that the Project is not covered under the Yolo HCP/NCCP.

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COMMENT 2: Nesting Birds, Buffers and Survey Requirements

Mitigation Measures BIO-3 and BIO-4

Issues: The Project has the potential to disturb nesting bird species and impact associated nesting habitat. Impacts to nesting birds could occur through increased stress, nest abandonment, mortality to birds or direct damage to nests. Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the federal Migratory Bird Treaty Act (MBTA) is a violation of Fish and Game Code § 3503, 3503.5, 3513, respectively.

While Measures BIO-3 and BIO-4 reduce potential impacts to nesting birds, the measures do not adequately avoid all potential impacts.

Mitigation Measure BIO-3 currently requires one preconstruction survey to be conducted by a qualified biologist no more than 14 days prior to commencement of activities. If a survey is conducted 14 days prior to start of work, there is potential that birds may build nests during this timeframe and be missed when initiating construction.

Mitigation Measure BIO-4 requires a 25-foot minimum buffer for non-raptor species and minimum nest buffer of 250 feet for raptor species. These minimum distances are not adequate in reducing impacts to nesting birds to a level of less-than-significant. Additionally, while BIO-4 indicates that a qualified biologist shall confirm nesting and fledging, the measure does not include a specific nest monitoring timeline, or requirements to ensure the qualified biologist does not miss signs of disturbance and/or distress.

Recommendation: If not covered by the Yolo HCP/NCCP, CDFW recommends the EIR to incorporate the following edits to language in BIO-3 and BIO-4 to ensure that significant impacts to bird species resulting from the Project are avoided, minimized, and mitigated to the extent possible.

Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of Fish and Game Code. A qualified biologist shall conduct a minimum of two focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for non-raptors; (2) and 1,000 feet for raptors. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.

- *Active Nest Buffers. Active nest sites and protective buffer zones shall be designated as "ecologically sensitive areas" where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.*
- *Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests shall be*

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continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.

COMMENT 3: Swainson's hawk

Mitigation Measures BIO-1 and BIO-2

Swainsons hawk (*Buteo swainsoni*) is listed as State Threatened under the CESA, and as indicated in the draft EIR, is likely to occur within the Project area. Mitigation Measure BIO-1 requires conducting two pre-construction level surveys for Swainson's hawks and white-tailed kites within 0.25 miles of the Project area, with the second survey occurring no later than 15 days prior to start of construction. Subsequently, BIO-2 requires a minimum initial buffer of 0.25 miles from a nest if a Swainsons hawk is identified during the pre-construction surveys. The draft EIR states that implementation of measure BIO-1 and BIO-2 will reduce potential impacts to Swainson's hawk to a less-than-significant level, however as described in the previous comment, measures BIO-1 and BIO-2 do not describe use of an appropriate survey protocol and sufficient buffer distances to avoid impacts to nesting Swainson's hawks.

Recommendation: If the Project is not covered under the Yolo HCP/NCCP, the following should be incorporated into the draft EIR as an alternative option to plan participation:

If Project activities will occur during the Swainson's hawk nesting season (March 1 to September 15), a qualified biologist shall conduct multiple Swainson's hawk surveys within a minimum 0.5-mile radius around the Project area prior to beginning Project activities. The surveys shall be conducted according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Tech. Advis. Comm., 5/2000; available online at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>):

If an occupied Swainson's hawk nest is found, CDFW recommends establishment of a minimum 0.5-mile buffer and consulting with CDFW to develop a Swainson's hawk take avoidance and monitoring plan. If Swainson's hawk cannot be completely avoided as a result of Project-related activities and take coverage through the Yolo HCP/NCCP is not feasible, then the Project proponent should consult with CDFW to obtain an ITP.

COMMENT 4: Western Burrowing Owl

BIO-8 Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Areas.

Issue: The draft EIR only mentions avoiding burrowing owl through identification of burrowing occupancy during construction staging and other temporary work areas. The draft EIR does not provide specific avoidance, minimization, or mitigation measures addressing burrowing owl impacts if the Project is not covered under the HCP/NCCP. Additionally, BIO-8 only describes areas of impacts to burrowing owl within the staging area and other temporary work areas located outside the Project's impact. The Project will permanently impact 58.34 acres of grassland habitat, which is optimal burrowing owl nesting and overwintering habitat. According to BIOS, there is one extant observation of burrowing owl intercepting the Project site (California Natural Diversity Database [CNDDDB], accessed September 2026). Therefore, there is a high risk of encountering burrowing owl throughout the Project area.

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Please note that western burrowing owl is a candidate species as threatened under CESA and the draft EIR should be updated to reflect this change. In addition, western burrowing owl have been known to occupy both natural and artificial nest structures and may establish nests in urban and developed areas. Occupied nests have been observed adjacent to train tracks, alongside walking paths, and near housing developments. Moreover, several occurrences of burrowing owl have been recorded in BIOS within one mile of the Project area (CNDDDB, accessed September 2026).

In case the Project does not attain coverage under the Yolo HCP/NCCP, CDFW recommends revising the draft EIR to include western burrowing owl as a species with potential to occur within the Project area and including appropriate and effective measures to completely avoid take during both the overwintering and nesting seasons. The draft EIR should include a mitigation measure describing surveys to determine presence of the species within and surrounding the Project area. Surveys should follow methods described in the CDFW Staff Report on Burrowing Owl Mitigation, Appendix D (2012), <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjx96GLYiQAxWYSaQEhahBE5UQFnoECBcQAQ&url=https%3A%2F%2Fnrm.dfg.ca.gov%2FFileHandler.ashx%3FDocumentID%3D83843&usg=AOvVaw0IRL4bg13OVli0jwC8jXwZ&opi=89978449>, and the measure should also apply the report's recommended no-disturbance buffers during both the overwintering and nesting seasons if owls are found. If take cannot be completely avoided and the Project is not covered under the HCP/NCCP, the Project proponent shall consult with CDFW to obtain an ITP covering burrowing owl.

COMMENT 5: Crotch's Bumble Bee

Additional Recommended Mitigation Measure

Issue: The draft EIR does not discuss Crotch's bumble bee (*Bombus crotchii*), a state candidate species for listing as threatened under CESA, as a species with the potential to occur within the Project area. The table on draft EIR Page B-5 of Appendix B states that "there are no known records of occurrence in the CNDDDB or Xerces Society Bumble Bee Atlas within 5 miles of the BSA". However, according to BIOS, there is an extant observation dated 2022 that is located 2.91 miles from the Project site. The Crotch's bumble bee is not a covered species under the Yolo HCP/NCCP.

Recommendation: CDFW recommends multiple on-site surveys be conducted, with at least one survey occurring during the Colony Active Period (April through August) and that the draft EIR specify that surveys will be conducted according to the 2026 Survey Considerations for CESA Candidate Bumble Bee Species document to adequately determine presence or absence of Crotch's bumble bee within the Project area and reducing impacts to a less-than-significant level: Bumble Bee Considerations, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246938&inline>.

CDFW recommends the Project proponent consult with CDFW to obtain an ITP if take of Crotch's bumble bee has potential to occur as a result of Project-related activities.

COMMENT 6: Northwestern Pond Turtle

Additional Recommended Mitigation Measure

Issue: The draft EIR does not include measures to address potential impacts to northwestern pond turtle (*Actinemys marmorata*). The table on draft EIR Page B-9 of Appendix B states that "there are no CNDDDB occurrences of this species within 5 miles of the BSA and no suitable habitat is present". However, there is one new extant detection of western pond turtle detected in 2026, located approximately 0.85 miles northeast of the Project site (CNDDDB, accessed September 2026). This detection intersects Main Canal, which hydrologically connects into the open space directly adjacent to the Project

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parcel. Additionally, there is a pond located on the directly adjacent parcel to the west of the Project site. Northwestern pond turtles are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported. Western pond turtles can spend up to 200 days away from water, especially since ponds tend to dry down during summer months. Therefore, there is potential risk for Northwestern turtles to occur on the Project site. The draft EIR should be revised to include appropriate avoidance and minimization measures for the species; in the event the Project is not covered under the Yolo HCP/NCCP.

Without appropriate avoidance and minimization measures for northwestern pond turtles, potentially significant impacts associated with Project activities include nest destruction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Recommendations: CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to Project activity commencement each work season. If nesting habitat is identified, then exclusion fencing shall be placed prior to the egg-laying season (March through August). to exclude any female western pond turtle from laying eggs within a development phase of the Project, Exclusion fencing shall be designed to encompass each development phase and maintained weekly until construction activities have been completed.

Additionally, CDFW recommends that if any Northwestern pond turtles are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate it out of harm's way to habitat similar to where it was found.

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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City of West Sacramento in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Mia Bianchi, Senior Environmental Scientist (Specialist) at (707) 815-8722 or Mia.Bianchi@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory), at Sara.Kern@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
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Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2025090414)
Melissa Farinha, CDFW Bay Delta Region – Melissa.Farinha@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

California Department of Fish & Wildlife. California Natural Diversity Database (CNDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles. Accessed September 2026.