Haggerty, Nicole@Wildlife

From:	Tran, Harvey@Wildlife
Sent:	Tuesday, December 23, 2025 3:33 PM
To:	ctschudin@cityofsacramento.org
Cc:	Wildlife R2 CEQA; Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject:	CDFW Comments on the MND for the Sutters Landing ADA River Access Trail Project (SCH No. 2025111165)

Dear Charles Tschudin:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from the City of Sacramento (the City) for the Sutters Landing ADA River Access Trail 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 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in the City of Sacramento, California within the North Sacramento Community Plan Area, approximately 0.25 miles north of Interstate 80 Business Loop and approximately 0.78 miles south of State Route 160. The Project site is situated south of the American River and is bound by Two Rivers/Sutter's Landing Trail to the south and northwest of Sutter's Landing Regional Park accessible by 28th Street.

The Project consists of the construction of an Americans with Disabilities Act (ADA) compliant pedestrian access trail from the Sutters Landing Park parking lot to the Sutter's Landing Beach in the City of Sacramento, California. The trail would consist of a set of concrete stairs down the face of the levee together with two ADA-compliant 8-foot-wide concrete trails located to the east and west of the stairs that would converge at a concrete landing at the base of the levee. The proposed Project also includes restoration and habitat enhancement of approximately 5 acres directly adjacent to Sutter's Landing Beach. The restoration would remove invasive plant species from approximately 0.9 acres of open grassland and 4.1 acres of riparian forest, seed open grassland and riparian areas, and rehabilitate approximately 1,500 linear feet of major social trails by decompacting soil, installing temporary and permanent barriers, and planting about 4,000 native understory plants from plugs or other small containers.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City 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 Mitigated Negative Declaration is appropriate for the Project.
CDFW is primarily concerned with the Project impacts to biological resources requiring Notification under Fish and Game Code 1602.

COMMENT 1: Fish and Game Code section 1600 et seq., Regulatory Framework Federal and State, pages 33-36

Issue: The draft MND lists and explains all the Federal and State environmental laws that would be applicable to this Project, including California Fish and Game Codes. However, there is no mention of Fish and Game Code section 1600 et seq. in the section which prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless they submit a Notification to CDFW.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the relevant section of the MND be modified to include an explanation of FGC § 1602 because the Project will require Notification due to the permanent impacts to the riparian habitat of the American River Parkway caused by Project activities.

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 (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Sutters Landing ADA River Access Trail Project to assist the City in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Harvey Tran, Senior Environmental Scientist (Specialist) at (916) 358-4035 or harvey.tran@wildlife.ca.gov.

Sincerely,

Harvey Tran
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California Department of Fish and Wildlife
Region 2 - North Central Region
1701 Nimbus Road, Rancho Cordova, CA 95670
Habitat Conservation Program
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[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.