

## Haggerty, Nicole@Wildlife

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**From:** Tran, Harvey@Wildlife  
**Sent:** Tuesday, February 24, 2026 2:50 PM  
**To:** aricci@cityofgalt.org  
**Cc:** Wildlife R2 CEQA; Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife  
**Subject:** 2026-0023-0000 CDFW Comments on the MND for the City of Galt Routine Maintenance Agreement Project (SCH No. 2026010902)

Dear Alejandra Ricci:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from the City of Galt (the City) for the City of Galt Routine Maintenance Agreement Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>[1]</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration (LSA) 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 within the City of Galt in South Sacramento County. It includes all stream channels and both improved and unimproved drainage channels within City limits. The Project is located within the Galt and Lodi North 7.5-Minute United States Geological Survey quadrangles (3812133, 3812123).

The Project consists of routine maintenance activities within improved and unimproved stream channels and drainage facilities, and their associated riparian, wetland, and swale areas in Deadman Gulch, Dry Creek, and their tributaries that require Notification under California Fish and Game Code 1602. These routine maintenance activities will be permitted under a 12-year Routine Maintenance Agreement (RMA) with a potential 5-year extension. The City expects to complete approximately 20 to 30 maintenance projects a year over the life of the RMA. Routine maintenance activities would include: removal, replacement or repair of facilities; channel alignment maintenance; debris or obstruction removal; vegetation control in channels or on banks; goat grazing; minor erosion control work; repair of previous erosion control work; bridge washing, graffiti removal and painting; temporary water diversions; and geotechnical sampling and subsurface cultural resource sensitivity testing. These activities may result in riparian vegetation removal that are under 4 inches diameter at breast height, rock slope protection or similar devices being placed in the channel for erosion control, stream flow being temporary diverted, fill temporary placed in the channel, and excavation and drilling into the channel. Both permanent and temporary impacts to bed, bank, channel, and riparian habitats are expected.

Prior to RMA activities, the City proposes an initial clearance project within Deadman Gulch channels. The clearance project involves the removal of a dam structure within Deadman Gulch in the western portion of the Project as well as vegetation clearing in select locations of Deadman Gulch channels. Initial clearance is proposed to impact approximately 1.47 acres of streams/creeks within Deadman Gulch, approximately 1.79 acres of freshwater marsh, and approximately 1.06 acres of mixed riparian woodland.

All of the activities listed above would be covered under the South Sacramento Habitat Conservation Plan (SSHCP). Additionally, the Project intends to work under the SSHCP and follow the avoidance, minimization, and mitigation measures outlined in the HCP.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Galt 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 description of project impacts to the bed, bank, channel, and riparian habitats of Deadman Gulch, Dry Creek, and their tributaries, western burrowing owl (*Athene cunicularia*), California tiger salamander (*Ambystoma californiense*), and western spadefoot toad (*Spea hammondi*).

**COMMENT 1: Areas subject to CDFW 1602 Notification, Description of Project, page numbers 1-2**

**Issue:** The draft MND states that the City “considers the limits of CDFW jurisdiction to extend from the center of any channel to the edge of riparian zones along creeks and the outer edges of wetland vegetation within basins and wetlands” and that “exact limits of CDFW jurisdiction will be determined on a case-by-case basis in consultation with CDFW”. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- substantially divert or obstruct the natural flow of any river, stream or lake;
- substantially change or use any material from the bed, channel or bank of any river, stream, or lake;
- or deposit debris, waste, or other materials where it may pass into any river, stream or lake.

CDFW's authority under Fish and Game Code section 1602 is based on activities (rather than areas) that may trigger one of the bullet points above. Therefore, the activity of depositing or disposing of material where it may pass into any river, stream, or lake does not necessarily need to be located in the bed, bank, channel, or riparian habitat to be subject to LSA notification. While Project activities may be located outside the channel and beyond the floodplain, the activities that could result in deposition of debris include but are not limited to project related dirt/fill falling down the slope and entering the channel.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends the draft MND incorporates into the appropriate MND section(s) the need for the Project applicant to submit a notification of Lake or Streambed Alteration prior to Project commencement for the initial clearance project and include all activities that may result in debris/fill entering the bed, bank, channel, and riparian zones regardless of activity location as well as submitting Verification Request Forms for similar RMA activities. For more information on CDFW's LSAA program including the online permitting portal, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

**COMMENT 2: Project Area Limitation for RMA, Channel Alignment Maintenance and Minor Erosion Control Work, page numbers 2-3**

**Issue:** The MND states that channel alignment maintenance and minor erosion control work would be included as RMA activities but does not provide sufficient details on the physical extent of each activity. Without limitations in linear feet, acreage, or separation of sites, projects considered under the MND may not be considered routine or maintenance under Fish and Game Code section 1602. CDFW considers these limitations as a mechanism that will ensure impacts are less than significant under CEQA.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND incorporates limitations of into the MND on size, acreage and extent of projects covered under the RMA. CDFW recommends the City outline a limit of 100 linear feet or 0.2 acre (whichever area is smaller) and individual sites separated by at least 1500 feet of the same tributary into the project description for these two proposed RMA activities, unless otherwise approved by the City and CDFW.

**COMMENT 3: Project Area Limitation for RMA, Silt, Sand or Sediment Removal, page number 2**

**Issue:** The MND states that silt, sand or sediment removal activity would occur “in the immediate vicinity (i.e., within 250 feet) of natural or man-made structures and facilities, both lined and unlined, that could substantially obstruct water flow, reduce channel capacity, accelerate erosion, damage concrete box culverts, metal culverts, bridge structures or other facilities. Such structures or facilities could include outfalls, bridges, culverts, beaver dams, basins, and the invert of creeks and channels.” Removing silt, sand, or sediment within 250 feet of natural channels from a structure or facility implies that there could be considered expansion of channel capacity, which CDFW could fall outside of a routine or maintenance activity under Fish and Game Code section 1602. Impacts greater than 100 feet of natural channels could be significant under CEQA.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND incorporates limitations of 100 feet of natural channels and within 250 feet of unvegetated altered channels from man-made facilities or structures for the silt, sand or sediment removal activity into the project description for the proposed RMA activity.

**COMMENT 4: Burrowing Owl CESA Status, Discussion of Burrowing Owl, page number 44**

**Issue:** The MND states that the burrowing owl (BUOW) is not a state or federally listed species but is a CDFW Species of Special Concern, a USFWS Migratory Nongame Bird of Management Concern, and a Covered Species under the SSHCP. The MND fails to state that the BUOW is now designated as a candidate species under CESA (California Fish and Game Commission 2024) which affords its protection from take during its candidacy period. The Incidental Take Permit (ITP) for the SSHCP from CDFW does not currently cover BUOW for incidental take. Full compliance with CESA should be demonstrated if BUOW are observed to be in the vicinity of any RMA activities. CDFW recommends full avoidance of BUOW and if avoidance is not feasible, potential take of the species from the RMA activities should be covered by an appropriate CESA authorization by CDFW.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND includes language into the appropriate MND section(s) that details the state candidate status of the BUOW, the protection that the species has under CESA, and what requirements need to be met to comply with CESA.

**COMMENT 5: BUOW Surveys and Buffers, Mitigation Measures for Burrowing Owl WBO-1, page numbers 45-46**

**Issue:** The MND states that surveys for the BUOW would follow the SSHCP measures for BUOW including surveying within a 250-foot radius from the project site and establishing a 250-foot buffer around suitable burrows will result in full avoidance of BUOW habitat. The 250-foot survey radius and avoidance buffer were established as HCP measures before the BUOW became a CESA candidate species and are no longer sufficient to ensure full avoidance for the species.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND uses the CDFW's *2012 Staff Report on Burrowing Owl Mitigation* as reference when formulating avoidance measures for the BUOW. The staff report mentions using 150 meters (or approximately 500 feet) as survey radius and using an avoidance buffer that ranges from 50 meters (656 feet) to 500 meters (1640 feet) depending on time of year and level of disturbance. CDFW recommends using more robust and protective BUOW surveys and avoidance buffers in the MND and use the measures in the staff report that better ensures full avoidance of the species to comply with CESA.

**COMMENT 6: BUOW Burrow Excavation, Mitigation Measures for Burrowing Owl WBO-3, page number 46**

**Issue:** The MND states that BUOW nesting burrows may be excavated/collapsed prior to the end of nesting season if they are not observed by the approved biologist to be currently utilized. BUOW nesting burrows can be considered active for 3 years since the reported usage. Any impacts to those burrows (including damage, excavation, and collapse) within the 3 years could be considered take under CESA and should only be conducted under an appropriate ITP.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND be edited to state that the City will comply with CESA prior to any burrow impact, including BUOW eviction and that an ITP will be required to destroy the active burrows or evict owls unless 3 years of non-wintering and non-nesting is observed.

**COMMENT 7: BUOW Passive Relocation, Mitigation Measures for Burrowing Owl WBO-3 and WBO-4, page numbers 47**

**Issue:** The MND states that passive relocation is allowed only with the express written approval of the Wildlife Agencies. Passive relocation (now termed, "eviction") can be considered a take activity under CESA. If eviction is considered, an ITP will be required from CDFW and will contain measures that require the take to be fully mitigated. To reach the fully mitigated standard as required by CESA, mitigation for permanent and temporary impacts should be considered. Temporary impacts to the species may include temporary ground disturbance and vegetation removal that may render a nesting site (nesting burrow and satellite burrows) or foraging site unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND states that an ITP will be required for eviction of the BUOW and that mitigation will be required for both permanent and temporary impacts as a result of the take activity.

**COMMENT 8: Western Pond Turtle (WPT) Preconstruction Survey and its Special Status, Discussion of Northwestern Pond Turtle, page number 60**

**Issue:** The MND states that the WPT is a federally proposed threatened species and a covered species under the SSHCP but does not state that it is also a California Species of Special Concern. In addition, the HCP measures for the WPT listed in the WPT do not include a requirement for preconstruction surveys. The preconstruction surveys should survey the Project Area and 300 feet around it where suitable habitat occurs for the WPT. Surveys should be performed no more than seven (7) calendar days prior to starting project activities within areas that can be accessed by the City.

**Recommendation or Recommended Mitigation Measure:** To address this comment, CDFW recommends that the draft MND be edited at the relevant sections to state that WPT is a California Species of Special Concern and include a measure for preconstruction surveys.

**COMMENT 9: Nesting Birds and Raptors Avoidance Buffers, Migratory Birds BIO-8, page number 63**

**Issue:** The MND states that a minimum 100-foot buffer for migratory birds and 500-foot buffers for raptors will be established around their active nests if found. While some birds may tolerate disturbance within 100 or 300 feet of construction activities, other birds may have a different disturbance threshold and "take" could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. It is the City's responsibility to avoid take/nest failure with a sufficient buffer. Therefore, performance-based buffers would be more protective for nesting birds and raptors.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the MND describes how the considerations identified below will be implemented and incorporated into the appropriate MND section(s):

1. CDFW recommends the City add specific avoidance and minimization measures to the Mitigation Measures section. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, visual barriers, and buffers, where appropriate. The MND should include specific avoidance and minimization measures that will be implemented should a nest be located within the Project Area. One example is a nest buffer radius which can be determined by having a qualified biologist monitor the active nests and determine the distance that activities will disturb the nesting birds. CDFW recommends this performance-based protection measure for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code.
2. CDFW recommends that any removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project area or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat. If any nests observed are of raptor species that have a special-status, CDFW recommends further consultation prior to any removal of nests.

**COMMENT 10: California Tiger Salamander and Western Spadefoot Toad Measures, Special-status Wildlife Species, page numbers 44-64**

**Issue:** While the MND mentions both California tiger salamander and western spadefoot toad, the MND presumes that the species are absent due to no recent documented occurrences nearby, despite the Project Area containing some habitat elements for both species. The MND also lacks avoidance and minimization measures for both species. The modeled species habitat maps of the SSHCP (South Sacramento Habitat Conservation Plan, pages 3-79 and 3-83) show that the Project Area or areas in the immediate vicinity of the Project Area have modeled habitats of both species. The Project Area is also within current range maps for both species according to U.S. Fish and Wildlife Service (USFWS, 2026). In consideration of contrary species and habitat evidence, potential impacts to the two species could be considered significant without appropriate mitigation in the MND.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the MND include a discussion for both California tiger salamander and western spadefoot toad and include measures that would mitigate project impacts to both species to less than significant. CDFW recommends the MND include references to measures used in the SSHCP for both species. Since the City plans to use the SSHCP for habitat impact coverage of their RMA activities, then CDFW recommends that the City should be consistent with the SSHCP's data for modeled habitats and avoidance and minimization measures for the SSHCP's Covered Species if there are otherwise no conflicts with CESA.

**COMMENT 11: SSHCP has no Mitigation for Temporary Impacts, South Sacramento Habitat Conservation Plan (SSHCP), page numbers 35**

**Issue:** The MND states that the RMA activities will be covered by the SSHCP and that City will use the avoidance and minimization measures in the HCP. While the mitigation fees paid to the SSHCP for the Covered RMA activities should mitigate for permanent impacts to species habitats and aquatic resources, the SSHCP does not mitigate for temporary impacts. The SSHCP only provides avoidance and minimization measures that include reseeding grassland and replanting aquatic plants related to Covered Species habitats and erosion control.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the MND include measures in appropriate MND sections that outline how temporary impacts to species habitats and aquatic resources will be mitigated. Examples may include native tree and shrub replanting with maintenance and monitoring, rebuilding habitat elements required by the Covered Species, regrading channel bed and bank, reseeding channel banks, etc.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be

submitted online or mailed electronically to CNDDDB at the following email address:  
[CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## **FILING FEES**

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

## **CONCLUSION**

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

CDFW appreciates the opportunity to comment on the MND for the City of Galt Routine Maintenance Agreement Project to assist the City of Galt 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](mailto:harvey.tran@wildlife.ca.gov).

## **REFERENCES**

County of Sacramento, City of Rancho Cordova, City of Galt, Sacramento County Water Agency, Southeast Connector Joint Powers Authority (2018). *Final South Sacramento Habitat Conservation Plan*, pages 3-79 and 3-83.

U.S. Fish and Wildlife Service. (2026, February). California tiger Salamander (*Ambystoma californiense*). U.S. Fish and Wildlife Service Environmental Conservation Online System. <https://ecos.fws.gov/ecp/species/D01T>

U.S. Fish and Wildlife Service. (2026, February). Western spadefoot (*Spea hammondi*). U.S. Fish and Wildlife Service Environmental Conservation Online System. <https://ecos.fws.gov/ecp/species/5425>

Sincerely,  
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### **Harvey Tran**

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<sup>[1]</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.