

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

July 29, 2026

Jason Ramos, Project Manager, Senior Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825
Jason.Ramos@slc.ca.gov
CEQA.comments@slc.ca.gov

Subject: Threemile Slough Pipeline Crossings Remediation and Decommissioning Project, Initial Study/Mitigated Negative Declaration, SCH No. 2026060922, Solano County

Dear Jason Ramos:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Stud/Mitigated Negative Declaration (IS/MND) from the California State Lands Commission (CSLC) for the Threemile Slough Pipeline Crossings Remediation and Decommissioning Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ In an email from the CSLC dated July 20, 2026, CDFW received an extension to provide comments by July 29, 2026.

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, 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.

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.

Jason Ramos, Senior Environmental Scientist
California State Lands Commission
July 29, 2026
Page 2

REGULATORY REQUIREMENTS

Lake and Streambed Alteration Agreement

CDFW requires an LSA Agreement Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features is also generally subject to notification requirements. Therefore, any impact to Threemile Slough, its tributaries, floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final MND and complied with its responsibilities as a responsible agency under CEQA.

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA or Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, take is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.” Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA or NPPA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. Fully protected species may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, and 5515).

California Environmental Quality Act

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code, § 2080 et. seq.

PROJECT DESCRIPTION SUMMARY

Proponent: Pacific Gas and Electric Company (PG&E)

Objective: The objective of the Project is to remediate two active pipelines (L-131Y and L-131Z) within the bed of Threemile Slough and to remove two inactive pipelines (L-131 East and West pipelines) from the bed and banks of the slough. The Project will restore the Project area post-construction.

The Project requires terrestrial work areas on Sherman Island and at Brannan Island State Recreation Area (SRA), as well as an in-water work area across Threemile Slough. Terrestrial site preparation activities for removal of the L-131 East and West lines will include mowing, vegetation removal and trimming. Mobilization and site preparation activities would require 10 days to complete. Remediation of the active L-131Y and L-131Z pipelines would begin with the placement of approximately 100 cubic yards of gravel or three-quarter-inch crushed rock around the exposed pipeline to a point approximately 1–2 feet above the top of the pipeline to minimize the potential for larger rocks to damage the pipeline coating.

Jason Ramos, Senior Environmental Scientist
California State Lands Commission
July 29, 2026
Page 3

Approximately 950 cubic yards of larger rock approximately matching the size of that found on the surrounding slough bed (9-inch) would then be placed above the pipelines to achieve the prescribed minimum 5 feet of cover. Underwater excavation would be performed using a submersible excavation pump deployed using the crane from the derrick barge. Once excavation is complete, a cutting device such as a shear, hydraulically operated saw, or diamond wire saw suspended from the crane would cut the pipelines into sections. The crane would then be operated with a hydraulically operated grapple to pick up each section of pipeline and place it on the materials barge.

Location: The Project area is in unincorporated Sacramento County, California, approximately 2.2 miles southeast of the City of Rio Vista. Latitude and Longitude coordinates are approximately 38.095° North, 121.698° West (World Geodetic System 84).

Timeframe: The Project consists of four components, which will occur over a three-month work window potentially in fall 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist CSLC 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: Tree and Shrub Mitigation

Section 2.2 (Site Preparation, Staging, and Mobilization, pages 2-4 and Appendix I. Mitigation and Monitoring Program pages 1-13)

Section 2.2 in the IS/MND describes the proposed removal of six coast live oaks (*Quercus agrifolia*) between 6 inches to 32 inches in diameter. However, the IS/MND should clarify whether tree sizes were measured using Diameter at Breast Height (DBH) which is 4.5 feet from the ground level.

Appendix I discusses mitigation for impacts to riparian vegetation, including the removal of the six coast live oaks and one blue elderberry shrub (*Sambucus mexicana*). Mitigation Measure BIO-14 describes a Riparian Mitigation Plan that will be developed to describe replacement of riparian vegetation damaged and/or removed from Project work areas. The plan requires all woody vegetation, including native willows, blue elderberry shrubs and coast live oak trees removed from both Sherman Island and Brannan Island SRA work areas be replanted at a 3:1 mitigation ratio (number of trees replanted: tree removed). However, replanting all native plant species at a 3:1 ratio may not adequately reduce impacts to a less-than-significant level.

CDFW recommends revising measure BIO-14 to include specific DBH measurements for each tree to be removed and appropriate mitigation ratios based on species and size such as replacement ratios described below:

- Oaks 2 to 6 inches DBH – 3:1
- Oaks greater than 6 inches and up to 24 inches DBH – 6:1
- Oaks greater than 24 inches DBH – 10:1

Other native tree or shrub species like elderberry, toyon (*Heteromeles arbutifolia*), coyote brush (*Baccharis pilularis*) or willows (*Salix* spp.) could be replaced at a minimum 3:1 ratio. All non-native trees greater than 3 inches DBH should be replaced at a minimum 1:1 ratio with native tree species.

Jason Ramos, Senior Environmental Scientist
 California State Lands Commission
 July 29, 2026
 Page 4

Finally, CDFW recommends that the IS/MND and Riparian Mitigation Plan include measures describing adequate monitoring periods of replacement trees such as 5 years for shrubs and 10 years for oaks, and corrective actions to be taken when success criteria are not met.

COMMENT #2: Nesting Birds

Appendix D. 4.7 Wildlife and BIO-6 Nesting Bird Season Preconstruction Surveys, Pages 4-6 - 4-7 I-8

The IS/MND states that within the Project area, suitable nesting habitat is present for a variety of migratory birds and raptors. 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 is a violation of Fish and Game Code § 3503, 3503.5, 3513, respectively.

BIO-6 in Appendix I of the IS/MND states that “If Project-related vegetation removal and ground-clearing activities are scheduled between February 1 and August 31, then preconstruction surveys shall be conducted no more than 1 week before the start of construction in potential nesting habitat within 350 feet of the Project area to identify nest sites.” Additionally, the measure references the PG&E Nesting Bird Management Plan, however, the specific buffer distances for active nests for raptors and other birds should be included in the IS/MND.

CDFW also recommends that pre-construction surveys consist of two surveys conducted within 14 days prior to the beginning of Project construction, with the final survey conducted within 48 hours prior. Nesting bird and raptor surveys should be conducted within a minimum of 500 feet of all Project impact areas. CDFW also recommends revising the IS/MND to include appropriate buffer distances surrounding any active nest identified during surveys to avoid nest disturbance during construction.

COMMENT #3: Swainson’s Hawk

Section #3.4.17 Special Status Species and Appendix I, Page #3-47 through 3-48, I-7 through I-8.

Swainsons hawk (*Buteo swainsoni*) is listed as State Threatened under CESA, and as indicated in the IS/MND, is likely to occur within the Project area. Measure BIO-5 of the IS/MND describes “Swainson’s hawk Nesting Season Avoidance or Preconstruction Surveys,” however, survey protocol and buffer distances described in the measure may not reduce impacts to Swainson’s hawk to a less-than-significant level.

CDFW recommends that if Project activities will occur during the Swainson’s hawk nesting season (March 1 to September 15), a qualified biologist should conduct multiple Swainson’s hawk surveys within a minimum 0.5-mile radius around the Project area prior to beginning Project activities. The surveys should 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 consultation with CDFW to develop a Swainson’s hawk take avoidance and monitoring plan. If take of Swainson’s hawk cannot be completely avoided as a result of Project-related activities, then the Project proponent should consult with CDFW to obtain an ITP.

Jason Ramos, Senior Environmental Scientist
 California State Lands Commission
 July 29, 2026
 Page 5

COMMENT #4: Western Burrowing Owl

Section #3.4.17 Special Status Species, Impacts on Special Status Species and Appendix D. Page #3-47, 3-66, and 4-17.

Appendix D. Biological Resources Technical Report of the IS/MND indicates a low probability of occurrence for western burrowing owl (*Athene cunicularia hypugaea*). However, the IS/MND also states that ground squirrels were observed at the Brannan Island SRA, and several eBird observations were reported during both the winter and breeding seasons surrounding the Project area.

As indicated in the IS/MND, western burrowing owl is a candidate species under CESA. Pursuant to Fish and Game Code sections 2074.2 and 2085, candidate species are legally granted the same protections as listed endangered or threatened species under CESA. The IS/MND states that western burrowing owls are unlikely to nest near the Project area. However, western burrowing owl have been known to occupy both natural and artificial nest structures and may establish nests in areas impacted by anthropogenic activities. Moreover, occurrences of burrowing owl have been recorded in the California Natural Diversity Database (CNDDDB) within one mile of the Project area.

CDFW recommends revising the IS/MND to include western burrowing owl as a species with potential to nest, overwinter and forage within the Project area and including appropriate and effective measures to completely avoid take during both the overwintering and nesting seasons. The IS/MND should include mitigation measures describing protocol-level surveys prior to the start of Project-related construction activities to determine presence or absence 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),

[google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwix96GL-YiQAXWYSaQEHahBE5UQFnoECBcQAQ&url=https%3A%2F%2Fnm.dfg.ca.gov%2FFileHandler.ashx%3FDocumentID%3D83843&usg=AOvVaw0IRL4bg13OVli0jwC8jXwZ&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwix96GL-YiQAXWYSaQEHahBE5UQFnoECBcQAQ&url=https%3A%2F%2Fnm.dfg.ca.gov%2FFileHandler.ashx%3FDocumentID%3D83843&usg=AOvVaw0IRL4bg13OVli0jwC8jXwZ&opi=89978449).

The IS/MND should also include measures describing no-disturbance buffers during both the overwintering and nesting seasons based on the 2012 CDFW Staff Report if owls are determined to be present within and adjacent to the Project area.

CDFW recommends the Project proponent consult with CDFW to obtain an ITP if take of western burrowing owl may occur as a result of Project-related activities.

COMMENT #5: Special Status Fish Species

Section #1.4.3, Biological Resources, 3.4.1.2 Marine/Riverine Work Areas, Impacts on Special-Status Fish, Impacts on Critical Habitat and Essential Fish Habitat Page #1-4, 3-34, 3-35, 3-55, 3-56, 3-73 through 3-76, 3-81 through 3-84 and Appendix D Page 4-12 through 4-14.

Appendix D of the IS/MND describes the following seven special-status fish species as occurring in the Sacramento River and having high potential to occur in Threemile Slough: green sturgeon (*Acipenser medirostris*), federally endangered (FE) under the Endangered Species Act (ESA); white sturgeon (*Acipenser transmontanus*), State candidate for listing as threatened under CESA; steelhead – Central Valley Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus*), federally threatened (FT) under ESA; delta smelt (*Hypomesus transpacificus*), FT under ESA and State Endangered (SE) under CESA; San Francisco Bay-Delta DPS longfin smelt (*Spirinchus thaleichthys*), FE under ESA and State Threatened (ST) under CESA; Central Valley spring-run (ESU) Chinook salmon (*Oncorhynchus tshawytscha*), FT under ESA and ST under CESA; and Sacramento River Winter-run (ESU) Chinook salmon (*Oncorhynchus tshawytscha*), FE under ESA and SE under CESA.

Jason Ramos, Senior Environmental Scientist
 California State Lands Commission
 July 29, 2026
 Page 6

CDFW is concerned that the Project could impact these special-status fish species in the Project area from direct take, mortality or injury via crushing or entombment, and adverse impacts to water quality. Mitigation measures described in the IS/MND may not be adequate to avoid take or reduce impacts to a less-than-significant level.

Measure BIO-12 identifies an in-water work window of August 1 – October 31 to avoid direct impacts on habitat during sensitive life stages for special-status fish species but then indicates that the work window may be extended to November 30, with authorization from the National Marine Fisheries Service. CDFW recommends that the IS/MND be revised to include CDFW in any consultations regarding in-water work window extension requests.

Additionally, the IS/MND states that while special-status fish may be present in the Project area during migration periods and for foraging, fish presence is expected to be temporary and transient. However, resident green and white sturgeon may be present in the Sacramento River and the associated delta year-round yet no specific avoidance or minimization measures are described in the IS/MND for white sturgeon. Therefore, CDFW recommends revising the IS/MND to include appropriate and effective take avoidance measures for white sturgeon. Mitigation measures could include conducting sonar surveys to determine presence or absence of adult sturgeon in the Project area prior to starting Project activities and an approved soft-start procedure for rock placement that would reduce the initial placement of rock preceded by a waiting period to allow sturgeon to leave the area.

CDFW recommends that the Project proponent consult with CDFW to obtain an ITP if take of CESA-listed or candidate fish species is expected to occur as a result of Project-related activities.

COMMENT #6: Rare Plants

Section # 3.4 Biological Resources and Appendix I, Page #3-30 and I-6.

Mitigation Measure BIO-2 describes special-status plant mitigation measures, including the transplantation or harvesting of seeds or plants to minimize impacts to special-status plants. However, CDFW is concerned that due to the high risk of failure associated with plant translocation, this mitigation measure may not result in no-net-loss of special-status plant species or reduce impacts to less-than-significant levels. To reduce impacts to a less-than-significant level, CDFW recommends translocation and/or harvesting seeds for re-planting only be used when impacts to special-status plants are unavoidable and in combination with appropriate compensatory mitigation.

Transplanting and harvesting should follow guidelines described in CDFW's 2017 Policy and Procedures for Conservation and Translocations of Animals and Plants at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202684>, which identifies several variables that contribute to the risk of failure with plant translocations, including variances in environmental conditions between the impact and translocation sites and inadequate maintenance and monitoring following translocation.

In addition, the IS/MND identifies Mason's lilaeopsis (*Lilaeopsis masonii*), a State Rare plant under the NPPA, as having potential to occur at the Project site. CDFW recommends that the Project proponent consult with CDFW to obtain an ITP if take of Mason's lilaeopsis is expected to occur as a result of Project-related activities.

COMMENT #7: BIO-3 Biological Monitoring

Section # 3.4 Biological Resources, Appendix 1.4.3, Page # 3-65, and I-6.

Jason Ramos, Senior Environmental Scientist
California State Lands Commission
July 29, 2026
Page 7

Mitigation measure BIO-3 of the IS/MND discusses biological monitoring and authorizations afforded to approved qualified biologists. The measure states "listed wildlife species would be allowed to leave of their own volition, unless coordination with USFWS and/or CDFW provide authorization for relocation by a qualified biologist with appropriate handling permits." Please note that CDFW cannot authorize take, including relocation, of State-listed species for a construction project without a CESA ITP. Moreover, the IS/MND states that in the unlikely event a special-status species is injured or killed by Project-related activities, the biological monitor would stop work, notify the CSLC and consult with the appropriate agencies to resolve the impact before restarting work in the area. Please be advised that any take of CESA-listed or candidate wildlife species or NPPA Rare plant species would be a violation and could result in penalties to the Project proponent.

CDFW therefore recommends that the Project proponent consult with CDFW to obtain an ITP if take of any CESA-listed or candidate or NPPA Rare plant species is expected to occur as a result of Project-related 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 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 IS/MND to assist the CSLC in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Crystal Sinclair, Senior Environmental Scientist (Specialist), at Crystal.Sinclair@wildlife.ca.gov or (707) 815-9824; or, Brenda Blinn, Senior Environmental Scientist (Supervisory), at Brenda.Blinn@wildlife.ca.gov or (707) 339-0334.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026060922)
Melissa Farinha, CDFW Bay Delta Region - Melissa.Farinha@wildlife.ca.gov