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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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November 3, 2026

Jeff Sutton
General Manager
Glenn-Colusa Irrigation District
344 East Willow Street
Willows, CA 95988
jsutton@gcid.net

Subject: SPRING CREEK SIPHON REPLACEMENT PROJECT
MITIGATED NEGATIVE DECLARATION (MND)
SCH No. 2026100420

Dear Jeff Sutton:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Glenn-Colusa Irrigation District (GCID) for the Spring Creek Siphon Replacement 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

[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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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 Colusa County, approximately 55 miles northwest of Sacramento. The Project site is approximately 5.4 acres in size and consists of the construction of a new siphon and associated facilities to replace an existing siphon. The Project involves clearing and grubbing of the Project area, and the demolition of the existing siphon, inlet and outlet headwalls and wingwalls, and Spring Creek headgate and pipeline. A temporary bypass channel would be constructed to divert flows around the Project site and back into Spring Creek.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist GCID 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.

COMMENT 1: California Endangered Species Act

Issue: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. CESA-listed species that may be present in the Project area include, but are not limited to, giant garter snake (GGS; *Thamnophis gigas;* CESA threatened), western burrowing owl (*Athene cunicularia hypugaea;* CESA candidate), and Swainson's hawk (*Buteo swainsoni;* CESA threatened).

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Recommendation: CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species during any point of the Project. 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. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code § 2081 (b)).

CDFW appreciates GCID's inclusion of proposed avoidance and mitigation measures, including pre-construction surveys, avoidance buffers, and consultation with CDFW. In addition to the proposed measures, CDFW recommends the following avoidance and minimization measures:

Designated Biologist
GCID should retain a Designated Biologist responsible for monitoring all project activities, including construction and any ground- or vegetation-disturbing activities. The Designated Biologist should be knowledgeable and experienced in the biology and natural history of CESA-listed species that could be present in the Project area. The Designated Biologist should be authorized to stop project activities, if necessary to protect listed species. If directed by the Designated Biologist, GCID should take appropriate actions to ensure project activities are safely suspended and notify CDFW. Work should not re-initiate until GCID has consulted with CDFW and can demonstrate compliance with CESA.

Establishment of Environmentally Sensitive Areas
GCID should establish Environmentally Sensitive Areas (ESAs) in the Project area to minimize the disturbance of listed species habitat from construction-related activities. All potential listed species habitat that can be reasonably avoided during construction activities should be identified as ESAs and should be marked by the Designated Biologist. GCID should erect ESA fencing, as directed by the Designated Biologist, 200 feet from the edge of potential aquatic listed species habitat (i.e., GGS). The Designated Biologist should also identify and flag all potential burrows within the Project Area as ESAs. ESAs should be demarked by tying high visibility poly wire to stakes placed every 6 feet along the ESA boundary. The high visibility poly wire should be raised at least 4 feet above grade. The high visibility wire and stakes should be marked with high visibility flagging or markers. All construction personnel should avoid ESAs during all phases of construction. GCID should avoid ESAs when identifying all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Designated Biologist should inspect ESA fencing before the start of each workday and GCID should maintain the fencing until the completion of

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the Project. GCID should remove all fencing material upon completion of the Project.

Exclusion Fencing
To exclude GGS from entering the Project Area, GCID should provide additional details related to proposed exclusion fencing in the Avoidance and Minimization Measures. Exclusion measure(s) should include the construction of silt fencing between all aquatic habitat and upland habitat, at least one day before upland habitat disturbance. The silt fencing may involve trenching to support fence posts, or contiguous sandbags located within the exclusion area to support and anchor the fence in place. CDFW recommends incorporating trenching impacts into GGS take authorization sought for the Project.

GCID should maintain fencing throughout all construction activities. The Designated Biologist should inspect the area prior to installation. The Designated Biologist should inspect the barrier daily and during and after storm events (rainfall exceeding 0.5 inches during a 24-hour period). GCID should maintain and repair the barrier immediately to ensure that it is functional and without defects, that fencing material is taught, that the bottom edge of the fencing material remains buried or anchored, and that the fencing is supported by wooden stakes. GCID should remove fencing and all fencing materials upon completion of construction.

CDFW also recommends that GCID review relevant guidelines for listed species that could be present in the Project area. These include, the U.S. Fish and Wildlife Service's (USFWS) Guidelines for Permits Specific to the Giant Garter Snake, available at https://www.fws.gov/sites/default/files/documents/survey-protocols-for-the-giant-garter-snake.pdf, CDFW's Staff Report on Burrowing Owl Mitigation, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline, CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline, and the Recommended Timing and Methodology for Swainson's Hawk Nesting Survey's in California's Central Valley, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline.

COMMENT 4: Aquatic Species Impacts and Relocation

Issue: The Project would involve the temporary diversion of water for the duration of construction activities which have the potential to impact aquatic species in Spring Creek.

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Recommendation: CDFW recommends GCID develop an Aquatic Species Relocation Plan to address potential impacts of dewatering and diversion on stranded aquatic species. To avoid impacts to any non-listed aquatic species, the Aquatic Species Relocation Plan should be submitted to CDFW for approval at least 60 calendar days prior to the start of any in-water project activities. The Aquatic Species Relocation Plan should address the monitoring of the fish to be relocated during the dewatering process. The plan should be prepared and implemented by a Designated Biologist. Additionally, GCID should ensure that any other necessary permits are acquired prior to aquatic relocation activities.

For the duration of dewatering and diversion, the Designated Biologist should check daily for stranded aquatic life as the water level in the dewatering area drops. During initial dewatering, the Designated Biologist should make all reasonable efforts to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, bucket, and by hand and should minimize handling time. Captured aquatic life should be released immediately in the closest body of water adjacent to the work site that is suitable for the relocated species. The Designated Biologist shall be authorized to stop any project activities if necessary to protect fish and wildlife resources. If GCID encounters a listed or fully protected species during a project activity that could be harmed, GCID should suspend work and consult with CDFW.

Following dewatering, a post-relocation report should be provided to CDFW that includes, at a minimum, the date and time of capture and relocation, the method of capture, map of locations in relation to the Project Site, and the number and species of fish captured and relocated. The post-relocation report should be provided to CDFW within 14 calendar days of completing each fish relocation activity.

COMMENT 5: Lake and Streambed Alteration Notification for Project Activities

Issue: The MND describes construction activities that involve a variety of ground-disturbing work within the bed, bank, and channel. CDFW believes activity associated with this Project may require notification for a Streambed Alteration Agreement.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

a. Substantially divert or obstruct the natural flow of any river, stream, or lake;
b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
c. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

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Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the environmental document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the project may avoid or reduce impacts to fish and wildlife resources. LSA Notifications must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS. More information about LSA Notifications, paper forms and fees may be found at https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA.

Recommendation: CDFW recommends that GCID notify pursuant to Section 1602 of the Fish and Game Code as early as possible to determine if an LSA is needed.

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

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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 Spring Creek Siphon Replacement Project to assist GCID 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 Alyssa Obester at alyssa.obester@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Morgan Kilgour
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Morgan Kilgour, PhD
Regional Manager
North Central Region

ec: Briana Seapy, Senior Environmental Scientist (Supervisory)
Alyssa Obester, or Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife

Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento