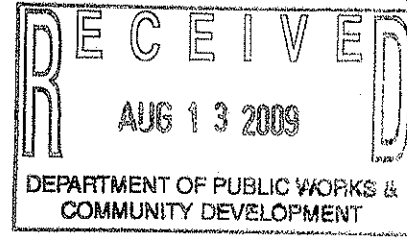




California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
 North Central Region
 1701 Nimbus Road, Suite A
 Rancho Cordova, CA 95670
 (916) 358-2900
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



August 6, 2009

Mr. John Powderly
 City of West Sacramento
 1110 West Capitol Avenue
 West Sacramento, CA 95691

Dear Mr. Powderly:

The Department of Fish and Game (Department) has received and reviewed your Notice of Preparation (NOP) for the West Sacramento Project, California General Reevaluation Report (SCH # 2009072055). The project proposes to evaluate opportunities to reduce flood risk, increase recreation, and restore the ecosystem along the Sacramento River within the project area. Potential actions to be evaluated in the Environmental Impact Report (EIR) include raising the existing levees protecting the City of West Sacramento, construction of an adjacent setback levee, cutoff walls, seepage berms, stability berms, internal drainage relief wells, or sheet pile walls, slope flattening, placing stone protection, and vegetation removal.

Significant natural resources occur within the proposed project boundaries. Within these proposed project boundaries, the Sacramento River supports several fish species that utilize the river for immigration, emigration, spawning and/or rearing. These fish species include all runs of Chinook salmon (*Oncorhynchus tshawytscha*). Winter-run Chinook salmon are listed as endangered under both the state and federal Endangered Species Acts. Spring-run Chinook salmon are listed as threatened under both the state and federal Endangered Species Acts. In addition to Chinook salmon, the state and federally listed threatened Delta smelt (*Hypomesus transpacificus*) occurs within the proposed project boundaries. Other significant natural resources occurring within the proposed project boundaries include the state and federally listed threatened giant garter snake (*Thamnophis couchi gigas*) and the state listed threatened Swainson's hawk (*Buteo swainsoni*). Both of these species utilize the habitats associated with the levees in the proposed project area for all or part of their life cycles.

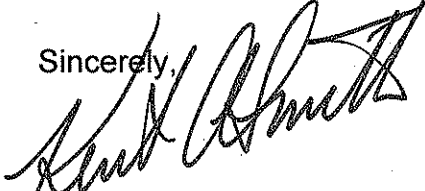
The DFG is providing comments in response to the NOP under the California Environmental Quality Act (CEQA) as both a responsible and trustee agency. As trustee for the state's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the state's fish and wildlife trust resources. The DFG recommends that the DEIR include discussion and evaluation of the following:

1. Analyze and discuss all reasonably foreseeable direct and indirect project related impacts on biological resources due to project implementation. The analysis should focus, in particular, on the presence of and potential habitats for all state and federal listed species and species of concern and the evaluation of direct, indirect and cumulative project impacts to these species and their respective habitat. This analysis should include discussion of adjacent habitats outside of the project area that support or could support listed species or species of concern and that may be impacted as a result of project implementation.
2. Identify and discuss potentially feasible mitigation measures to address all reasonably foreseeable project related impacts on biological resources. This should include identification of mitigation measures that minimize and fully mitigate all project impacts to state and federally listed species and species of concern. Analysis should include discussion of the ability to conserve natural resources on site that may be achieved through project design and take avoidance measures and offsite mitigation obtained through acquisition of existing natural resources.
3. Specifically address project impacts to both jurisdictional and non-jurisdictional wetlands, measures designed to mitigate these impacts and the consistency of this analysis to the existing Yolo County General Plan.
4. Identification of any offsite infrastructure improvements required as part of this project and evaluation of potential project impacts due to these activities. Subsequently, the DEIR should identify and analyze potentially feasible mitigation measures that avoid or substantially lessen, minimize and fully mitigate, all reasonably foreseeable direct and indirect impacts to biological resources.
5. Specifically address project impacts to Chinook salmon, Swainson's hawks, and giant garter snakes and the habitats utilized by these species.
6. Evaluation of the development of the proposed plan areas contribution to habitat fragmentation and population isolation of all plant and animal populations including but not limited to listed species and species of concern. Include identification of potentially feasible mitigation measures that will avoid or substantially lessen these impacts.
7. Development of alternative development/design scenarios for the proposed project that will achieve the project objectives, and which will avoid or substantially lessen the project-related impacts on biological resources.

In addition to the requested discussion and analysis, the Department recommends that this project coordinate with Yolo County's Natural Heritage Program to ensure compatibility with the program's habitat conservation goals and objectives. Coordination should occur with Ms. Maria Wong, Executive Director, Yolo County Habitat/Natural Community Conservation Plan JPA. Ms. Wong can be reached via telephone at (530) 406-4880, or by mail at 120 West Main Street, Suite C, Woodland, CA 95695.

Thank you for the opportunity to review this project. If the Department can be of further assistance, please contact Mr. James Navicky (916) 358-2926, or Mr. Jeff Drongesen, Senior Environmental Scientist, at (916) 358-2919.

Sincerely,

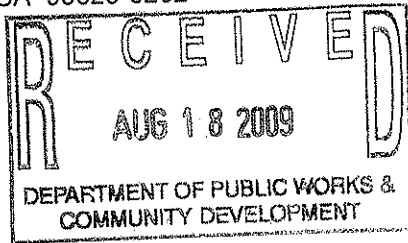


Mr. Kent Smith
Habitat Conservation Program Manager

cc: Mr. Jeff Drongesen
Mr. James Navicky
Department of Fish and Game
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670

Ms. Maria Wong
Executive Director
Yolo County Habitat/Natural Community Conservation Plan JPA
120 West Main Street, Suite C
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CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



August 12, 2009

PAUL D. THAYER, Executive Officer
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File Ref: SCH# 2009072055

John Powderly
West Sacramento Area Flood Control Agency
1110 West Capitol Avenue, Second Floor
West Sacramento, CA 95691

**Subject: West Sacramento Project, California, General Reevaluation Report (GRR)
Draft Environmental Impact Statement/ Environmental Impact Report**

Dear Mr. Powderly:

The California State Lands Commission (CSLC) staff has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Statement/ Environmental Impact Report dated July 14, 2009, pertaining to the proposed West Sacramento Project, California, General Reevaluation Report (GRR). For this project, the CSLC is both a Responsible and a Trustee agency.

As general background, the State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. The State owns sovereign fee title to tide and submerged lands landward to the mean high tide line (MHTL) as they existed in nature, prior to fill or artificial accretions. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. The State's sovereign interests are under the jurisdiction of the CSLC.

The current project is to address improving up to 50 miles of federal flood protection levees surrounding West Sacramento. The improvements will increase the level of flood protection to achieve a minimum of 200-year flood protection. Improvements to the levee system will result in disturbance and the potential loss of riparian habitat along sections of the proposed project. These changes, along with those proposed for the other levee system enhancements in the Sacramento Valley, will result in a cumulative loss of riparian vegetation and shaded riverine aquatic habitat along the river bank, which will be difficult to mitigate and may result in secondary impacts to the listed runs of salmonids and listed avian species. The CSLC recommends that the West Sacramento Area Flood Control Agency (WSAFCA) work very closely with the resources agencies (i.e., California Department of Fish and Game (CDFG), U.S.

Fish and Wildlife Service (USFWS), and NOAA Fisheries) and with local representatives of adjoining landowners (such as the Sacramento River Conservation Area Forum) to address these cumulative impacts and to design appropriate mitigation/conservation areas. Other types of mitigation, such as avoidance, both in time and space (such as construction work windows), will also need to be considered.

Queries of the Natural Diversity Database (CNDDDB) and the USFWS Special Status Species Database should be conducted to identify any special-status plant or wildlife species that may occur in the region. Their potential for occurrence on the project site or in the project area should be included in the DEIS/ DEIR.

One of the major stressors of the Sacramento River system is introduced species. Therefore, the DEIS/DEIR should consider a range of alternatives for prevention programs for terrestrial and aquatic invasive species (including quarantine, early detection, and early response) to slow the introduction of invasive species, such as the Quagga mussel, into high demand and sensitive areas. As part of the alternatives analysis, the design of the proposed project should take into consideration the current and proposed aquatic invasive species prevention programs. In addition, in light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the DEIR/DEIS should examine the objectives of the project and determine if the project would favor non-native fisheries within the Sacramento River.

An evaluation of the noise and vibration impacts on fish and birds from construction activities in the water, as well as construction on the levees and land-side supporting structures of the Sacramento River and flood control facilities, should be included in the DEIS/DEIR. Mitigation measures may be needed that would include species-specific work windows as defined by CDFG, USFWS, and NOAA Fisheries.

The Central Valley Flood Protection Board (CVFPB) encroachment permit may be required as well as a geotechnical evaluation of the proposed project locations. Placing rock riprap within the channels of the Sacramento River channel will require coordination with the CVFPB as well as with the US Army Corps of Engineers (US ACE) to alter Federal flood protection levees (33 USC 408). Additional coordination with the CVFPB and the US ACE may include working within the established flood season windows.

Any construction activities along the water-side bank should consider water quality issues, such as increased turbidity and sedimentation, and make all the necessary arrangements to reduce or mitigate for these concerns.

An evaluation of potential submerged cultural resources in the project area will need to be undertaken. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. The title to all abandoned shipwrecks and all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. The CSLC maintains a shipwrecks database of known and potential vessels located on the state's tide and submerged lands; however, the location of many shipwrecks remains unknown. The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code (PRC) section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant. A Code of Federal Regulations section 106 evaluation should

be made, as well, to determine any potential terrestrial cultural resources in the project areas where construction can occur.

Greenhouse gas emissions information consistent with the California Global Warming Solutions Act (AB 32) should be included in the DEIS/DEIR. This would include a determination of the greenhouse gases that will be emitted as a result of construction and ongoing maintenance of the levee system, a determination of the significance of those impacts, and mitigation measures to reduce any impacts found to be significant.

An evaluation of the temporary and permanent loss of recreation resources in the specific areas during the construction of the Sacramento River levee and flood control facilities improvements should be included in the DEIS/DEIR. These impacts should include mitigation measures, which might include alternative public access points, for the residents and tourists of the area.

The DEIS/DEIR should discuss the potential changes and impacts to current transportation routes into and out of areas during the construction of the proposed Sacramento River levee improvements and flood control facilities. Once again, these impacts should include mitigation measures for the residents and tourists of the area.

As a responsible agency, the CSLC will need to rely on this document for the issuance of a lease, and therefore, we hope that you consider our comments prior to adoption of the final EIS/EIR. Please contact Diane Jones, Public Land Manager, at 916-574-1843 or by email at jonesd@slc.ca.gov for information about our leasing requirements. For questions and comments related to the environmental review, please contact Christopher Huitt at (916) 574-1938 or by e-mail at huittc@slc.ca.gov. If you have any questions involving the Shipwreck and Historic Maritime Resources Program please contact Staff Counsel Pam Griggs at (916) 574-1854 or by email at griggsp@slc.ca.gov.

Sincerely,



Marina R. Brand, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Diane Jones, CSLC
Chris Huitt, CSLC