



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
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GAVIN NEWSOM, Governor
Charlton H. Bonham, Director



June 29, 2023

Dayna Winchell
Westervelt Ecological Service
600 North Market Boulevard, Suite 3
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**SUBJECT: DRAFT PROSPECTUS EVALUATION FOR HAMILTON BEND
MITIGATION BANK (TRACKING NUMBER 1798-2023-02-R2)**

Dear Dayna Winchell:

The California Department of Fish and Wildlife (Department) has completed the initial evaluation of your draft prospectus dated March 31, 2023, for Hamilton Bend Mitigation Bank (Bank). This evaluation is distinct from that of any other potential signatory agency. The Department has the following comments:

- The draft prospectus proposes to re-establish floodplain habitat connectivity to the Sacramento River. As the Bank property will breach the berm to the Sacramento River allowing flows onto the Bank property, the Bank property will need to be designed to minimize fish stranding and allow for volitional passage on and off the bank property for all life stages.
- The draft prospectus proposes Chinook salmon (*Oncorhynchus tshawytscha*) credits for both winter-run and spring-run Chinook salmon. The conceptual plan for this Bank is to establish floodplain habitat. Floodplain habitat is suitable for rearing salmonids but not suitable for spawning. The credit evaluation and service area maps for salmonids would need to describe this habitat as rearing habitat.
- The draft prospectus proposes re-establishment and enhancement riparian credits. There are no proposed enhancement activities occurring in the existing riparian habitat on the Bank property. The existing riparian habitat would be identified as riparian preservation credits.
- The Bank property does not have access from a public roadway. Legal access to the Bank property through private property is required.

Conserving California's Wildlife Since 1870

Dayna Winchell
Westervelt Ecological Service
June 29, 2023
Page 2

- When submitting the prospectus, please ensure the service area maps include sufficient details in order to determine the service area boundaries including roads, towns, county lines, etc.
- National Marine Fisheries Service provided a comment on the proposed fish service area to you on June 15, 2023, which stated the salmonid service area would need to be limited to the Sacramento River Basin. The Department agrees the salmonid service area would need to be limited to the Sacramento River Basin.
- The proposed service area for riparian habitat spans across several of the Department's regional boundaries. As the Bank lies within the boundaries of the North Central Region (NCR), the NCR will need to coordinate with the Northern and Bay Delta Regions to determine the acceptability of the proposed service area during the prospectus stage.
- Increasing floodplain and riparian habitat may improve ecological function for outmigrating juvenile green sturgeon (*Acipenser medirostris*) which could provide more opportunities for foraging and predator avoidance; however, the Bank property would not provide rearing or spawning habitat.
- The Department requests early consultation with the Central Valley Flood Protection Board (CVFPB) during the permitting process to ensure there are no conflicts between the CVFPB permit and the Bank Enabling Instrument.
- The development of the Bank property would need to be designed to ensure that the neighboring parcel would not be negatively affected by the restoration actions.

The draft prospectus, while optional, is intended to identify potential issues early so that the potential bank sponsor may attempt to address those issues prior to initiating the formal review process (Fish and Game Code §1798(a)(1)). Additional issues may be identified during the formal bank review process.

If you choose to submit a prospectus, it must be accompanied by a new Bank Submittal Form (<https://nrmsecure.dfg.ca.gov/FileHandler.ashx?DocumentID=58780>) and the current prospectus review fee¹ [Fish and Game Code § 1798(b)(1)]. For more guidance on what to include in your prospectus please view the prospectus checklist at (<https://www.spd.usace.army.mil/Portals/13/docs/regulatory/banking/Checklists%2020210604.pdf>) and the Department's web site at <https://www.wildlife.ca.gov/Conservation/Planning/Banking>.

¹ Fees may be adjusted annually pursuant to FGC 1799.1(a). The current fee schedule at the time of submittal is the fee required for review of the bank document.

Dayna Winchell
Westervelt Ecological Service
June 29, 2023
Page 3

If you have questions regarding your draft prospectus or the bank review process, please contact Stephanie Buss, Senior Environmental Scientist (Specialist) at (916) 406-4311 or stephanie.buss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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