



Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 18, 2020

Aug 18 2020

STATE CLEARINGHOUSE

City of Elk Grove
Office of Strategic Planning and Innovation
c/o Christopher Jordan
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

Dear Mr. Jordan:

RE: SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MULTI-SPORT
COMPLEX AND GRANT LINE INDUSTRIAL ANNEXATION AREA (PROJECT)
NOTICE OF PREPARATION SCH# 2015102067

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) from the City of Elk Grove for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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.

PROJECT DESCRIPTION SUMMARY

The Project site is located southeast of the existing City boundary. The Project site consists of approximately 557 acres located south of Grant Line Road (near its intersection with Waterman Road) and east of the Union Pacific Railroad tracks and State Route 99. The

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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Project site extends eastward past the intersection of Grant Line Road and Mosher Road, and extends southward to the Sacramento County Urban Services Boundary.

The SEIR will supplement the Elk Grove Sphere of Influence Amendment (SOIA) and Multi-Sport Park Complex Draft Environmental Impact Report (2019 Elk Grove SOIA EIR), which addressed development of a multi-sports park complex on the City-owned property, along with a mix of commercial, industrial, and mixed uses in the surrounding area. The 2019 Elk Grove SOIA EIR was circulated for public review beginning on June 29, 2018, and concluding on August 14, 2018 (State Clearinghouse Number 2015102067). This EIR was certified by the Sacramento Local Agency Formation Commission (LAFCo) on May 1st, 2019. LAFCo approved the SOIA at the same hearing. There are two parts of the revised Project description that are the focus of analysis in the SEIR: (1) a change in the land use designations for the proposed General Plan amendment and pre-zoning; and (2) additional information related to infrastructure improvements that will be necessary to serve the Project site. These revisions are discussed below.

The Project description in the draft SEIR should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the draft SEIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to biological resources.

ENVIRONMENTAL SETTING

CDFW recommends three progressive steps in Project impact evaluations: habitat assessment, detection surveys, and impact assessment in evaluating whether projects will have impacts to special-status species. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for Project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports wildlife species and their habitats. Detection surveys provide information needed to determine the potential effects of proposed projects and activities on those species and habitats. Impact assessments evaluate the extent to which wildlife species and their habitat may be impacted directly or indirectly, on and within a reasonable distance of proposed CEQA Project activities. CDFW recommends that the draft SEIR include a complete environmental assessment of the existing biological conditions within the Project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Maps and information regarding the habitat assessment and survey efforts should be included within the draft SEIR. Any surveys of the biological conditions and related environmental analysis should be completed by qualified personnel with sufficient experience in the wildlife and habitats associated with the Project and associated reports should be included as appendices to the draft SEIR.

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To identify a correct environmental baseline, the draft SEIR should include a complete and current analysis of endangered, threatened, candidate, and locally unique species with potential to be impacted by the Project. CEQA guidelines § 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Although the CNDDDB is one tool that may identify potential sensitive resources in the area, the dataset should not be regarded as complete for the elements or areas with the potential to be impacted. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. In addition, CNDDDB is not a comprehensive database. It is a positive detection database. Records in the database exist only where species were detected and reported. This means there is a bias in the database towards locations that have had more development pressures, and thus more survey work. Places that are empty or have limited information in the database often signify that little survey work has been done there. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region (see Data Use Guidelines on the CDFW webpage <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>).

IMPACT ASSESSMENT AND MITIGATION MEASURES

Based on habitat assessments and survey results, the draft SEIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed Project.

The draft SEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f).) The draft SEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context. CDFW also recommends that the environmental documentation provide a scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

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The SEIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the SEIR should be made a condition of approval of the Project. Please note that obtaining a permit or other authorization from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

Migratory Birds and Birds of Prey

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the SEIR. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

South Sacramento Habitat Conservation Plan

On June 22, 2020, the South Sacramento Conservation Agency Joint Powers Authority (SSCA JPA) adopted a resolution authorizing the Executive Director of the South Sacramento Conservation Agency to execute an agreement with the City Of Elk Grove to be a Participating Special Entity under the South Sacramento Habitat Conservation Plan (SSHCP) SOIA Area.

As such, CDFW recommends the SEIR contemplate the City's participation in the SSHCP for the Project. If the City participates in the SSHCP for the Project, the SEIR should include:

- Disclosure of the Project's Covered Activities under the SSHCP
- Assessment of SSHCP landcover types in the Project Area
- Analysis of all 28 SSHCP Covered Species
- Identification of applicable SSHCP Avoidance and Minimization Measures

Landscaping

CDFW has noted that landscaping improvements may be implemented in the Project. CDFW recommends consideration of the Homegrown Habitat Plant List (Sacramento Valley Chapter, California Native Plant Society) (Attachment 1) when developing the final planting palette. The Homegrown Habitat Plant List (HHPL) is the result of a coordinated effort of regional stakeholders with the intent of improving landscape plantings for the benefit of property owners and ecosystem. Including plants from the HHPL is intended to produce the following outcomes for landscaping:

- Increased drought tolerance
- Decreased water use
- Decreased maintenance and replacement planting costs
- Increased functionality for local pollinators and wildlife
 - Increase in overall biodiversity and ecosystem health
- Increased carbon sequestration and climate change resilience
- Educational opportunities for staff and students

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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:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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

CDFW appreciates the opportunity to comment on Notice of Preparation and assist the Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Dylan Wood, Environmental Scientist at 916-358-2384 or dylan.a.wood@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Kelley Barker

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Kelley Barker

Environmental Program Manager

Enclosure: Attachment 1- Homegrown Habitat List

ec: Dylan Wood, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento