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STATE CLEARINGHOUSE

Gina McColl
Associate Planner
City of Roseville Development Services - Planning Division
311 Vernon Street
Roseville, CA 95678

Subject: Notice of Preparation of a Draft Environmental Impact Report
City of Roseville General Plan Update
State Clearinghouse No. 2019080418

Dear Ms. McColl:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Roseville General Plan Update (project) [State Clearinghouse No. 2019080418]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code sections 2080 and 2080.1).

The General Plan update is focused on compliance with State planning laws, the 2017 General Plan Guidelines, and updates to the CEQA Guidelines and case law. The update will include changes to the General Plan's Circulation Element, Air Quality & Climate Change Element, Open Space & Conservation Element, and Noise Element. The General Plan will also be updated throughout the entire document to revise outdated information, provide greater clarity, remove unnecessary detail, update goals, policies, and implementation measures, and update the format to be more user friendly.

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers

the comments and recommendations presented below to assist the City of Roseville (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources. The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the City's Sphere of Influence, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the City's Sphere of Influence, and a map that identifies the location of each habitat type. Adjoining habitat areas should also be included in this assessment where the implementation of the updated General Plan could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type within the City's Sphere of Influence and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or bdb@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project.

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the City. In order to obtain a more complete list of special status species potentially present, the Department recommends that occurrences in quads adjacent to the City's Sphere of Influence be considered as well as those within.

3. A complete inventory of rare, threatened, endangered, and other sensitive species known to be located within the City's Sphere of Influence and within adjacent areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511).

Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species.

4. A thorough assessment of special status plants and natural communities within the City's Sphere of Influence and within adjacent areas with the potential to be affected.
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the City's Sphere of Influence, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, aquatic habitats, oak woodlands, wildlife corridors or wildlife movement areas, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the General Plan Update. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. ***Fully Protected Species:*** Fully Protected Species (Fish and Game Code § 3511) may not be taken or possessed at any time. The project should be designed so that its implementation completely avoids any fully protected species that have the potential to be present within or adjacent to the City's Sphere of Influence. The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. ***Sensitive Plant Communities:*** The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. ***Mitigation:*** The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Mitigation measures for impacts to burrowing owls or their habitat should be designed in accordance with the Department's 2012 Staff Report on Burrowing Owl

Mitigation (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>). Future projects' mitigation strategies should be formulated in advance and included in their CEQA documents rather than deferred until after the results of pre-construction surveys are available.

The proposed Placer County Conservation Program (PCCP) is a landscape-level plan designed to ensure that land will be managed to support the survival and well-being of covered species, as well as hundreds of other species that are dependent on the same habitat. The Department has been working cooperatively for many years with Placer County, City of Lincoln, Placer County Water Agency, United States Fish and Wildlife Service, National Marine Fisheries Service, United States Environmental Protection Agency, United States Corps of Engineers and the State Water Resources Control Board to develop the plan. It is a high priority to the Department. The PCCP recently completed public review and it is anticipated that it will be adopted in the near future. If projects implemented within the City's Sphere of Influence propose biological mitigation within the PCCP area, if any projects are proposed adjacent to the PCCP reserve system, or if any project activities may affect implementation of the PCCP, the Department recommends that the City consider these effects and coordinate with the Placer Conservation Authority to avoid any potential conflicts with the PCCP.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

- 5. *Nesting Birds and Migratory Bird Treaty Act:*** Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

If the project has the potential to cause impacts to nesting and migratory birds, the Department recommends that the DEIR contain specific measures to avoid those impacts. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

- 6. *Moving out of Harm's Way:*** If the project is anticipated to result in the clearing of natural habitats that support native species, a qualified biologist may be retained to move out of harm's way wildlife that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Please note that temporary relocation of onsite wildlife does not effectively mitigate for project impacts associated with habitat loss.
- 7. *Translocation of Species:*** The Department generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA Incidental Take Permit (ITP) be obtained if the project has the potential to result in "take" (California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. 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, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the floodplain of a body of water. The notification should include maps, preferably using aerial photographs as backgrounds, of all rivers, streams, and lakes in the area of the activity, as well as any riparian habitat, associated wetlands, floodplains, high-flow channels, associated vernal pools, and any other habitats associated with the rivers, streams, and/or lakes. *The maps should not be limited to Waters of the United States or the jurisdiction of any other agencies, as river, stream, and lake-associated habitats often extend beyond those limits.* Maps of vernal pools should document the hydrologic connectivity, if it exists, to nearby streams and/or to other pools, or any other wetlands. The notification should also include maps showing the proposed activity's temporary and permanent impacts on the mapped rivers, streams, and/or lakes as well as their associated habitats.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. A LSA Agreement includes measures necessary to protect existing fish and wildlife resources.

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The Department may suggest ways to modify the proposed activity that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department'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 necessary, the DEIR 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 the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>.

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a DEIR for the City of Roseville General Plan Update (SCH No. 2019080418) and recommends that the City address the Department's comments and concerns in the forthcoming DEIR.

If you should have any questions pertaining to the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Environmental Scientist Gabriele Quillman at (916) 358-2955 or at gabriele.quillman@wildlife.ca.gov.

Sincerely,



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Environmental Program Manager

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