

Mikayla Vaba

From: Wood, Dylan@Wildlife <Dylan.A.Wood@wildlife.ca.gov>
Sent: Tuesday, August 18, 2020 5:26 PM
To: kparsons@elkgrovecity.org
Cc: Wildlife R2 CEQA; OPR State Clearinghouse
Subject: Comments on the MND for the Arterial Roads Rehabilitation and Bicycle Lane Improvements Project (SCH: 2020070484)

Governor's Office of Planning & Research

Aug 19 2020

Dear Ms. Parsons:

STATE CLEARINGHOUSE

RE: Arterial Roads Rehabilitation and Bicycle Lane Improvements Project (WPR014) (PROJECT) MITIGATED NEGATIVE DECLARATION (MND) SCH# 2020070484

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Elk Grove (the City) 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 proposed Project will rehabilitate and improve pavement and/or surface treatments (as deemed necessary) on several segments of Waterman Road and Elk Grove Florin Road, as described in the Initial Study, and as needed will widen roadway shoulders to accommodate Class 2 bike lanes with the goal of providing continuous bike routes in the eastern portion of the City. The purpose of the Project is to reconstruct and rehabilitate Waterman Road and Elk Grove Florin Road to provide bike lanes in each direction on each roadway.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to

improve the document or facilitate an effective environmental review process. Where CDFW recommends specific revisions to the MND, deletions are marked with a strikethrough (~~example~~) while additions are marked as underlined (example).

Comment 1: MM BIO-4 revisions needed to mitigate impacts to nesting raptors to a level of less-than-significant.

MM BIO-4 describes preconstruction surveys and response for nesting birds that may be impacted by the Project. While CDFW recognizes that existing disturbance/noise levels in the Project vicinity and the urban setting of the Project, the MND also notes that “excavators, compactors, grinding machines, backhoes, bobcats, pavement scarifiers, rollers, scrapers, or other potential large equipment to be used on the Project.” As these kinds of equipment may result in additional disturbance that could result in impacts to nesting birds. This would be especially relevant for Project areas without an urbanized “buffer” between the Project and suitable nesting habitat. For instance, Segment 1 of the Project involves widening activities approximately 0.10-0.25 miles from Laguna Creek, which contains suitable habitat for nesting birds. As a result, surveying at a 250-foot radius as described in MM BIO-4 may not effectively capture nesting activity.

To address this comment, CDFW recommends the following changes to MM BIO-4:

If construction (including equipment staging and tree removal) will occur during the breeding season for migratory birds and raptors (generally between February 1 and August 31), the City shall retain a qualified biologist to conduct a preconstruction nesting bird and raptor survey before the onset of construction activities. The preconstruction nesting bird and raptor surveys shall be conducted between February 1 and August 31 within suitable habitat at the Project area. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos; iv) 0.25 miles for raptors in proximity to Segment 1 Project areas near Laguna Creek. ~~Surveys for raptor nests should also extend 250 feet from the Project area to ensure that nesting raptors are not indirectly affected by construction noise. The survey shall be conducted no more than 30 days before the initiation of construction activities. If no active nests are detected during the survey, no additional mitigation is required and construction can proceed.~~

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents 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 types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: CNDDDB@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 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 the MND to assist the City in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

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California Department of Fish and Wildlife

Environmental Scientist

(916) 358-2384



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References:

[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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