

Aug 25 2020

From: [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife)
To: ceqa@saccounty.net
Cc: [Wildlife R2 CEQA](#); [OPR State Clearinghouse](#)
Subject: Comments on the MND for the North Area Recovery Station Master Plan (SCH: 2020070528)
Date: Tuesday, August 25, 2020 1:24:34 PM
Attachments: [image001.png](#)

STATE CLEARINGHOUSE

Dear Mr. Hawkins:

RE: North Area Recovery Station Master Plan (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND) SCH# 2020070528

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Sacramento County (the County) 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 North Area Recovery Station (NARS) Master Plan 2020-2030 (Master Plan or Plan) project is building and systems improvements necessary to meet the greater Sacramento region's waste management needs currently and beyond the final plan year of 2030. The Master Plan includes recommendations for immediate, near-term, and long-term improvements. The project improvements would occur over the course of four phases. The improvements include the following: Expansion of the "Shed" by 40,000 sq ft to a total area of 75,000 sq ft and construction of a new, separate 119,000 square foot building intended for commercial vehicles only ("Packer Building"), both to be built to accommodate more customers and more tonnage of the various permitted waste types, Demolition of existing 5,000 sq ft Administration Building and reconstruction of a 10,000 sq ft Administration Building at a new location near the front of the property, Reduction of the 65,000 sq ft open-air area for receiving

yard waste to 30,000 sq ft, Reduction of the 18,000 sq ft total open-air area at various locations for receiving various customer-separated non-hazardous wastes. These activities will largely be relocated to “the Shed”, Demolition of all existing scales and scale-houses, and replacement with five scales and three scale-houses at the main entry/exit location, and construction of two automated scales for commercial customers only at different locations. Reduction of the existing storm water storage detention basin to a single basin. Construction of an active storm water suspended solids removal plant if future regular monitoring results exceed permitted values. The NARS Master Plan project includes revisions to a Solid Waste Facilities Permit (SWFP) issued by the California Department of Resources Recycling and Recovery (CalRecycle). The project will also update the California General Permit for Storm Water Discharges Associated with Industrial Activities issued by the State Water Quality Control Board.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County 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: Revisions needed to mitigate impacts to nesting birds to a level of less-than-significant.

The MND discloses project activities that result in tree removals including shorter willows, a sycamore tree, and removal of approximately 3743 square feet of canopy of non-native trees such as eucalyptus. The MND also notes a mix of trees not proposed for removal along the existing detention basin. While CDFW recognizes the urbanized/industrialized setting of the project, trees present on the project site may provide suitable habitat for nesting birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. Such species could include those typically found in urban settings in the Sacramento area such as the house finch (*Haemorhous mexicanus*) or mourning dove (*Zenaida macroura*). In some cases, even typically more sensitive species such as Swainson’s hawk (*Buteo swainsoni*) have been found to utilize large trees within heavily industrialized areas.^[2] Removal of trees on the project site or project related disturbances (e.g. noise) could result in adverse impacts to bird species. As a result, CDFW advises the project to complete a preconstruction nesting bird survey to identify and assess nesting activity at the project site.

To address this comment, CDFW incorporating the following mitigation measure (or similar measure) for nesting birds:

“If project activities or tree removals would occur during the breeding season (generally February 1 through August 31), the County or Contractor will retain a qualified wildlife biologist with knowledge of the relevant species to conduct nesting

surveys 15 days or less before the start of construction. Surveys will include a search of all trees proposed for removal and adjacent trees, manmade structures, or ruderal vegetation that provide suitable nesting habitat that may be disturbed by project activities. The survey radius shall include the project area and any suitable nesting habitat within 500 feet of the project area. If no active nests are detected during these surveys, no additional measures are required.

If an active nest is found in the survey area, a no-disturbance buffer will be established with fences or flags around the nest buffer area to avoid disturbance or destruction of the nest until the end of the breeding season (August 31) or until after a qualified wildlife biologist determines that the young have fledged and the birds are no longer dependent on the nest (this date varies by species). The extent of these buffers will be determined by the qualified wildlife biologist and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species. If nesting birds are showing signs of distress or disruptions to nesting behaviors or the buffer is otherwise not feasible, the qualified wildlife biologist shall determine the appropriate change in response (e.g. buffer increase, temporary construction stop, etc.) until no further interruptions to breeding behavior are detectable.”

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 County 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,

Dylan Wood

California Department of Fish and Wildlife

Environmental Scientist

(916) 358-2384



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

[2] Annual Raptor Surveys (Sacramento County Regional San/CDFW 2020)

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