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DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

September 8, 2020

**Sep 08 2020**

Casey Kempenaar  
Planning Manager  
City of Citrus Heights  
6360 Fountain Square Drive  
Citrus Heights, CA 95621  
ckempenaar@citrusheights.net

**STATE CLEARINGHOUSE**

Dear Mr. Kempenaar:

RE: SUNRISE TOMORROW SPECIFIC PLAN (PROJECT) NOTICE OF PREPARATION  
(SCH: 2020080098)

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of an Environmental Impact Report (EIR) from the City of Citrus Heights for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 would include adoption of the Sunrise Tomorrow Specific Plan, including the proposed Specific Plan land use map. The Specific Plan also includes a circulation and open space network to support the future land uses. The Specific Plan would establish a Maximum Development Allowance and Maximum Development by Land Use for each Planning Area. The Maximum Development Allowance by Planning Area is inclusive of all uses and may not

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<sup>1</sup> 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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be exceeded without a Specific Plan Amendment. See Table 2 of the Initial Study for the maximum development allowance. Adoption of the Sunrise Tomorrow Specific Plan would include redevelopment of the existing mall for a variety of land uses (e.g. residential, retail, office, community, and hotel), a street network, vehicular circulation, pedestrian and bicycle network, open space network, and sustainability features.

The Project description in the draft EIR 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 EIR 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 EIR 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 EIR. 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 EIR.

To identify a correct environmental baseline, the draft EIR 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

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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 EIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources including all direct and foreseeable indirect impacts caused by the proposed Project.

The draft EIR 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 EIR 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.

The EIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the draft EIR 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

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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 EIR. Measures to avoid the impacts should include species specific work windows, preconstruction surveys, biological monitoring of active nests, installation of noise attenuation barriers, etc.

### *Landscaping*

CDFW has noted that landscaping improvements will 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

The Project presents a unique opportunity for the City to restore habitat values to a highly urbanized area while also promoting sustainable practices.

### *Creek Restoration*

As part of the proposed Project, an existing on-site creek along Sunrise Boulevard (located in the southwestern corner of the Plan Area) may be restored and the associated native riparian habitat would be restored. A public trail would be provided adjacent to the restored creek. As a part of this potential effort, CDFW recommends the City consult Part XI, Riparian Habitat Restoration, of the California Salmonid Stream Habitat Restoration Manual (CDFW 2003) (Attachment 2) when designing the Project. The manual includes techniques and plants lists that could assist the City in planning and implementing a valuable habitat restoration project. CDFW also recommends the City consider creating a sustainable use trail with a strategic interpretive plan that guides recreationists through the area. The plan could include signage and fences to protect sensitive habitat features and may educate recreationists about native fish, wildlife, and plant species of the Sacramento area. CDFW welcomes any opportunity to participate in restoration and/or interpretive planning at the City's discretion.

## **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

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survey form can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](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](mailto: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](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](mailto: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

Attachment 2- Part XI, Riparian Habitat Restoration, California Salmonid Stream Habitat Restoration Manual (CDFW 2003)

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

Office of Planning and Research, State Clearinghouse, Sacramento