

From: [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife)
To: [Ron Bess](#)
Cc: [Wildlife R2 CESA](#); [OPR State Clearinghouse](#)
Subject: Comments on the MND for the Auburn Boulevard Bridge Replacement Project (SCH# 2020099008)
Date: Monday, October 5, 2020 6:53:04 PM
Attachments: [image001.png](#)

10/5/2020

Governor's Office of Planning & Research

Dear Mr. Bess:

Oct 06 2020

STATE CLEARINGHOUSE

RE: Auburn Boulevard Bridge Replacement Project (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND) SCH# 2020099008

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Sacramento (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 consists of the replacement of the existing structurally deficient bridge with a new bridge that meets current structural and geometric design standards, improves hydraulic capacity, and provides traffic-rated barrier railings. The proposed bridge replacement would also enhance the Auburn Boulevard and Winding Way intersection by adding an additional left turn pocket from westbound Auburn Boulevard to Winding Way. The proposed replacement bridge would be a single span precast-prestressed concrete girder bridge, placed along the existing bridge alignment. The proposed bridge would be approximately 97 feet in width and would provide two 12-foot through lanes, two 11-foot through lanes, two 11-foot left turn lanes, and shoulders and sidewalks in each direction. The length of the proposed bridge would be approximately 89 feet to avoid the existing bridge foundations.

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: BIO-1 revisions needed to mitigate impacts to Sanford's arrowhead a level of less-than-significant.

BIO-1 describes mitigation for potential impacts to Sanford's arrowhead (*Sagittaria sanfordii*); however, portions of this measure not specific enough to adequately assess plants within the project area or respond in the event plants are found during project surveys. As Sanford's arrowhead is a rhizomatous plant, there are situations where physical disturbances to the plant may be more advantageous than relocating the plant out of the project area, depending on the type of impact resulting from the project activity².

To address this comment, CDFW recommends revising the MND with the following language:

A qualified biologist shall conduct a preconstruction survey for Sanford's arrowhead during the plant's blooming period (May-October) within 30 days prior to construction. If Sanford's arrowhead is not found, then no further measures are necessary. If Sanford's arrowhead is found in the Project site BSA, CDFW will be notified at least ten days prior to dewatering or construction impacts in the vicinity of Sanford's arrowhead in accordance with the California Native Plant Protection Act of 1977 (2 FGC § § 1900-1913) ~~to allow sufficient time to transplant the individuals to a suitable location.~~ In consultation with CDFW, the City shall develop a Sanford's arrowhead avoidance, minimization, or relocation plan. The plan shall evaluate project impacts on the project area's population of Sanford's arrowhead and propose a scientifically supported response procedure.

Comment 2: BIO-4 revisions suggested to improve mitigation for potential impacts to Swainson's hawk.

CDFW recommends the following revisions to BIO-4 to improve the MND:

Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk. Prior to construction, surveys will be conducted by a qualified biologist to determine presence/absence of nesting Swainson's hawk in and within 0.50 miles of the Project site according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG, 2000). If no Swainson's hawks are found during any of the surveys, no further mitigation will be necessary. If Swainson's hawk nests are found, the City shall develop an avoidance plan in consultation with CDFW ~~GDFW will be consulted~~ regarding measures to reduce the likelihood of forced fledging of young or nest abandonment by adult birds. These measures will likely include, but are not limited to, the establishment of a no-work zone around the nest until the young have fledged as determined by a qualified

biologist, biological monitoring, noise attenuating barriers, and/or construction best practices. In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code.

Comment 3: BIO-5 revisions needed to mitigate impacts to nesting birds to a level of less-than-significant.

BIO-5 describes preconstruction surveys for nesting migratory birds. For clarity during implementation, this measure should define the survey methodology more clearly for the potential nesting birds that may be encountered on the project site.

To address this concern, CDFW recommends revising the MND with the following language:

Nests in Trees and Shrubs

- *Avoid Active Nesting Season. Implement the following to ensure impacts to tree and shrub nesting species remain less than significant.*
 - o *If feasible, conduct all tree and shrub removal and grading activities during the non-breeding season (generally September 1 through January 31).*
 - o *If grading and tree removal activities are scheduled to occur during the breeding and nesting season (February 1 through August 31), perform preconstruction surveys prior to the start of Project activities.*
- *Conduct Preconstruction Nesting Bird Surveys. If construction, grading, or other Project-related activities are schedule during the nesting season (February 1 to August 31), preconstruction surveys for other migratory bird species shall take place no less than 14 days and no more than 30 days prior to the beginning of construction within 250 feet of suitable nesting habitat. greater than 15 days prior to the start of project activities. Surveys will include a search of all trees and shrubs, marsh, wetland, manmade structures, and ruderal vegetation that provide suitable nesting habitat in the project area including staging and stockpile areas. 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; 1,320 feet for fully protected species such as white-tailed kite. If the preconstruction surveys do not identify any nesting migratory bird species within areas potentially affected by construction activities, no further mitigation will be required.*
- *Avoid Active Bird Nest Sites. If active nests are found, avoid project-related construction impacts by establishing appropriate no-work buffers to limit Project related construction activities near the nest site. Determine the size of the no work buffer zone to avoid take of nesting birds in consultation with a qualified biologist and CDFW although use a 500-foot buffer when possible. Delineate the no work buffer zone with highly visible temporary construction fencing or flagging. In consultation with CDFW, monitoring of nest activity by a qualified biologist may be required if the project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. Do not commence project-related construction activity within the no work buffer area until a qualified biologist and CDFW confirms that the nest is no longer active. If it is determined during surveys or project implementation that project activities may impact white-tailed kite, project personnel shall fully avoid any impacts that may result in take if white-tailed kite is observed to be utilizing the*

project area or adjacent area.

Comment 4: BIO-7 revisions suggested to improve mitigation for potential impacts to riparian habitat.

BIO-7 proposes City compensation for permanent removal of riparian habitat. While purchasing bank credits is typically acceptable for compensation, BIO-7 may lock the City in to a narrow mitigation strategy since there are limited CDFW-approved banks with a service area overlapping with the project location. That said, the City may consider implementing or funding a project through a local organization that would directly benefit the Arcade Creek corridor or citizens of the City rather than funnel mitigation funding offsite.

CDFW recommends the following revisions to BIO-7 to improve the MND:

To compensate for the permanent removal of riparian vegetation associated with the bridge construction, the City shall mitigate ~~purchase credits from a Corps and/or CDFW approved mitigation bank~~ at a minimum 3:1 ratio (three acres of habitat replaced for every one acre removed). Compensation make take the form of permanent protection, enhancement, or restoration of suitable habitat, purchase of credits at a Corps and CDFW-approved bank or conservation site, or through funding an equivalent project through a local organization.

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,
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] South Sacramento Habitat Conservation Plan (Sacramento County 2018)

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