

DEC 08 2020

STATE CLEARINGHOUSE

From: [Wood, Dylan@Wildlife](mailto:Wood,Dylan@Wildlife)
To: kimwilli@egusd.net
Cc: [Wildlife R2 CEQA](#); [OPR State Clearinghouse](#)
Subject: Comments on the MND for the Laguna Ridge East Elementary School (SCH: 2020110182)
Date: Tuesday, December 8, 2020 2:47:10 PM
Attachments: [image001.png](#)

Dear Ms. Williams:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an a Mitigated Negative Declaration (MND) from the Elk Grove Unified School District (the District) for the Laguna Ridge East Elementary School (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 District proposes to acquire the project site and construct a K-6 elementary school that would accommodate 850 students. The school would consist of three large classroom buildings, a multipurpose and kitchen building, library, administration building as well as play fields, play courts, a parking area, pickup and drop-off areas, and other site improvements. Site access would be gained from adjacent Lousada Drive and Poppy Ridge Road.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District 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, additions are marked as underlined (example).

Comment 1: Mitigation measures are needed to reduce impacts to Swainson's hawk to less-than-significant.

As Swainson's hawk (*Buteo swainsoni*) is a species listed under the California Endangered Species Act (CESA), take of this species would constitute a significant impact as identified in the MND. CDFW recognizes that impacts to the species may be mitigated through participation in the City of Elk Grove's Swainson's Hawk Program, but the City's program only accounts impacts to Swainson's hawk habitat, not necessarily the birds themselves (both are components of the species' life history analysis in CEQA). CDFW has identified that no mitigation measures are disclosed in the MND, so the document should be revised to effectively mitigate to a level of less than significant and comply with the Fish and Game Code.

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

If construction, grading, or project-related improvements are to commence between February 1 and September 15, focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys should be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. If active nests are found, a qualified biologist shall be retained to prepare a site-specific take avoidance plan in coordination with CDFW that proposes measures to comply with the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any ground-disturbing activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. 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. If no active nests are found during the focused survey, no further mitigation will be required.

Comment 2: Mitigation measures are needed to reduce impacts to nesting raptors and other migratory birds to less-than-significant.

As the MND identifies potential impacts a bird species, including white-tailed kite (*Elanus leucurus*), a fully protected species, and Brewer's blackbird (*Euphagus cyanocephalus*), a migratory bird protected under Section 3503 of the Fish and Game Code, take of potentially present nesting birds would constitute a significant impact as identified in the MND. CDFW has identified that no mitigation measures are disclosed in the MND, so the document should be revised to effectively mitigate to a level of

less than significant and comply with the Fish and Game Code.

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

If construction activity (which includes clearing, grubbing, or grading) is to commence within 500 feet of suitable nesting habitat between February 1 and September 15, a survey for bird nests shall be conducted by a qualified biologist. The survey shall cover all potential nesting habitat on-site and off-site up to a distance of 500 feet from the project boundary. The survey shall occur within 15 days of the date that construction will encroach within 500 feet of suitable habitat. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the District prior to ground disturbing activity. If no active nests are found during the survey, no further mitigation will be required. If any active nests are found, a qualified biologist shall be retained to prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. The avoidance/protective measures shall be implemented prior to the commencement of construction within 500 feet of an identified nest. If it is determined during surveys or project implementation that project activities may impact a fully protected raptor (such as white-tailed kite), project personnel shall fully avoid any impacts that may result in take of fully protected birds species if any are observed to be utilizing the project area or adjacent area.

Comment 3: Project landscaping can be enhanced.

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 the 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
- Educational opportunities for staff and students

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 District 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

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