

From: Wood, Dylan@Wildlife Dylan.Wood@wildlife.ca.gov 
Subject: Comments on the MND for the Kiefer Landfill Wastewater Force Main Project (SCH: 2020120556)
Date: January 29, 2021 at 4:27 PM
To: ceqa@saccounty.net
Cc: Wildlife R2 CEQA R2CEQA@wildlife.ca.gov, state.clearinghouse@opr.ca.gov

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Governor's Office of Planning & Research

Attn: Todd Smith

Feb 01 2021

STATE CLEARINGHOUSE

Dear Mr. Smith:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an a Mitigated Negative Declaration (MND) from Sacramento County for the Kiefer Landfill Wastewater Force Main Project (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.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Kiefer Landfill Wastewater Force Main Project consists of a 2.6 mile long, six inch diameter force main transmission pipeline and pumping system, which

connects to the 250,000-gallon leachate storage tank at the Kiefer Landfill . The pipeline will travel west within a subsurface trench approximately 18 inches wide and three to four feet deep, within the right-of-way of Kiefer Boulevard and will terminate at the SASD pump station S138 in the City of Rancho Cordova. The construction schedule for the proposed project is approximately six (6) months. The design of the pipeline and pump station is based on existing leachate generation and estimates of future leachate generation. A flow rate of 40,000 gallons per day (gpd) was used as a design average flow with a peak rate of 100,000 gpd during periods of high leachate generation. Approximately 2,400 cubic yards of soil will be exhumed in the trenching process. If the soil is of suitable quality, it will be utilized as backfill; otherwise, the soil will be disposed of at Kiefer Landfill. If the soil is disposed of, approximately 2,400 cubic yards of gravel will be used as backfill. Construction methods vary depending on the location along the pipeline and include open cut trench and horizontal directional drilling techniques. Where feasible, construction will avoid impacts to the wetland areas. The projected construction timeframe is six months during daytime hours only. The contractor staging area will be located within the alignment and at the Kiefer Landfill.

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.

Comment 1: CDFW recommends submitting a notification of Lake or Streambed Alteration prior to project commencement.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow.

If CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. To obtain an LSA notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Based on review of Project materials (Wetlands and Waters impacts on Pages IS-37 thru IS-39), aerial photography and observation of the site from public roadways,

Project activities may trigger notification. Therefore, CDFW recommends Sacramento County (or the contractor) submit a notification of Lake or Streambed Alteration prior to project commencement. Please note that this process is currently independent of the South Sacramento Habitat Conservation Plan.

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.

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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