



May 3, 2021

Date: May 3, 2021 at 10:27 AM

STATE CLEARINGHOUSE

Dear Mr. Ablog:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a Environmental Impact Report (EIR) from the City of Elk Grove for the Elk Grove Crossing Specific Plan (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 Elk Grove Crossing Specific Plan proposes a mix of uses, including residential, commercial, light industrial/flex, and supportive public uses and open space. Commercial and light industrial/flex uses are proposed along Kammerer Road in the northern portion of the Specific Plan Area, with high-density and medium-density residential uses in the northern and central portion of the Specific Plan. Two large higher-density residential areas of 7.4 and 7.7 acres will each include small, central park spaces of 1.6 acres. Medium-density residential areas totaling 44.1 acres are anticipated to be developed at densities between 8 and 10 units per acre and the higher-density areas would allow development of up to 25 units per acre. Two park sites of approximately 9.8 acres and 6.6 acres each are proposed, located in the middle of the Specific Plan Area. The larger park would be located adjacent to a proposed 10-acre elementary school site, providing an opportunity for the shared use of facilities. South of each of the parks are flood control and water quality basins for stormwater management, of 10 and 5 acres in land area. The remainder of the Specific Plan Area, a total of 122.6 acres, is proposed for low-density residential development, which would range in density from 4 units per acre to 6.5 units per acre. Along the southern Specific Plan Area boundary, an existing irrigation/drainage channel conveys stormwater approximately 4 miles to the west, where it crosses under Interstate 5 and connects to Stone Lake. Portions of this channel along the Specific Plan

Area boundary would be realigned to be located within an 80-foot-wide open space parcel. A bicycle/pedestrian trail would be developed along the north and westerly side of this channel. The drainage channel and associated trail would also provide a buffer between the urban development in the Specific Plan Area and ongoing agricultural activities that may continue to the south.

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 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 under CDFW's jurisdiction, 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 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 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, biological monitoring, installation of noise attenuation barriers, etc.

South Sacramento Habitat Conservation Plan

On June 22, 2020, the South Sacramento Conservation Agency Joint Powers Authority (SSCA JPA) adopted a resolution authorizing the Executive Director of the South Sacramento Conservation Agency to execute an agreement with the City Of Elk Grove to be a Participating Special Entity under the South Sacramento Habitat Conservation Plan (SSHCP) Sphere of Influence Amendment Area.

As such, CDFW recommends the EIR contemplate the City's participation in the SSHCP for the Project. If the City participates in the SSHCP for the Project, the EIR should include:

- Disclosure of the Project's Covered Activities under the SSHCP
- Assessment of SSHCP landcover types in the Project Area
- Analysis of all 28 SSHCP Covered Species
- Identification of applicable SSHCP Avoidance and Minimization Measures

Landscaping

CDFW has noted that landscaping improvements may 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

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 survey form can be found at the following link:

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. 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.

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 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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Attachment 1
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