

From: [Wood, Dylan@Wildlife](mailto:Wood,Dylan@Wildlife)
To: [Scott Johnson](mailto:Scott.Johnson)
Cc: [Wildlife R2 CEQA](#); Thomas, Kevin@Wildlife; Garcia, Jennifer@Wildlife; Torres, Juan@Wildlife; [OPR State Clearinghouse](#)
Subject: Comments on the MND for the Robla Estates Project (SCH: 2022080102)
Date: Friday, September 2, 2022 4:16:29 PM
Attachments: [Attachment 1 Homegrown Plant List_Final-1.pdf](#)
[image001.png](#)

Governor's Office of Planning & Research

Sep 06 2022

Dear Mr. Johnson:

STATE CLEARINGHOUSE

The California Department of Fish and Wildlife (CDFW) received the Mitigated Negative Declaration (MND) for the Robla Estates Project in Sacramento County pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife.

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 is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) Although not anticipated, CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed and to the extent implementation of the Project as proposed may result in take² 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.

¹CEQA 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.

²Section 86 of the Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency 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.

Comment 1: Mitigation Measure BIO 3-3 revisions needed to mitigate impacts to Swainson's hawk nesting to a level of less-than-significant. As identified in the MND, "during the field assessment, Swainson's hawks, Red-tailed hawks, and numerous cliff swallows were observed foraging on or near the project site." Swainson's hawk is a species listed as *threatened* under CESA, so potential take of the species resulting from the construction disturbance described in the MND could constitute a potentially significant impact under CEQA. Since onsite protocol surveys have not been completed, CDFW recommends additional assessment of the species prior to project construction. This assessment would more accurately assess nesting activity onsite and nearby areas where Swainson's hawk could be nesting.

To address this, CDFW recommends making the following additions to Biological Resources Mitigation Measure 3-3 (or adding as a new measure) to more effectively mitigate to a level-of-less than significant:

"If equipment staging, site preparation, grading, excavation or other project-related activities are scheduled during the Swainson's hawk nesting season (typically March 1 through September 15) surveys for active nests of such birds shall be conducted by a Qualified Biologist in accordance with the typical survey protocol: Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). Surveys shall be conducted at the appropriate radius (0.5 miles) and time periods listed in the survey protocol.

If an active Swainson's hawk nest is found during project surveys, the Qualified Biologist shall consult with CDFW and demonstrate compliance with CESA. If during consultation it is determined that implementation of the project as proposed may result in take of Swainson's hawk, the project may seek related take authorization as provided by the Fish and Game Code."

Comment 2: Revisions needed to mitigate impacts to Swainson's hawk foraging to a level of less-than-significant. As identified in the MND, "during the field assessment, Swainson's hawks, Red-tailed hawks, and numerous cliff swallows were observed foraging on or near the project site." While the MND proposes measures for mitigation of potentially significant impacts to nesting behavior, the MND does not currently analyze potential impacts to the other critical component of Swainson's hawk life history, foraging behavior. Because the site contains suitable foraging habitat and has been documented as being utilized by the species, this potentially significant impact is currently not mitigated MND.

As such, CDFW recommends adding an appropriate analysis and reference to the studies of local Swainson's hawk activity onsite and subsequent determination of an appropriate mitigation ratio (if applicable) and considerations. CDFW recommends a ratio of no less than one acre or replacement habitat for every acre of impacted foraging habitat. In the event, mitigation for loss of foraging habitat is indicated by further analysis, CDFW recommends indicating that the project proponent shall mitigate by purchasing Swainson's hawk foraging habitat credits at a CDFW-approved conservation site or CDFW-approved mitigation or conservation bank at a ratio appropriate to mitigate the biological impact to a level of less-than-significant.

Comment 3: CDFW recommends implementation of a bird impact avoidance

strategy.

The proposed Project footprint will ultimately border existing open space areas within the City of Sacramento including Robla Creek. These open space areas provide suitable habitat for nesting birds. Placement of buildings adjacent to suitable nesting bird habitat may adversely affect bird populations by introducing sources of common bird mortalities such as domestic cats for residents at the facility and reflective windows that birds may collide with. Given declines in segments of the overall bird population³ and ecological benefits of healthy bird activity⁴⁵⁶, CDFW recommends consideration of bird enhancement and mortality reduction strategies in Project design and implementation. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

Local bird populations are severely impacted by domestic cats, which are estimated to cause over one billion bird mortalities every year in the United States and may be the single biggest cause of global bird mortality after habitat destruction⁷. Unlike natural predators, whose populations fluctuate with prey levels, cat populations are artificially sustained through introduction of new individuals or feeding of feral individuals. Therefore, cats can contribute not only to direct bird mortality but also to the imbalance of natural factors in the birds' ecosystem. Keeping domestic cats indoors and out of native ecosystems is a key consideration for reducing environmental impacts and promoting responsible pet ownership in the community.

Collisions with clear and reflective sheet glass and plastic is also a leading cause in human-related bird mortalities⁸. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes, so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

As such, CDFW recommends the Project incorporate bird and wildlife friendly strategies:

- An education program for residents to keep domestic cats indoors
- Install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php>.

Incorporation of bird and wildlife strategies not only promotes environmental stewardship but also facilitates compliance with State and federal protections aimed at preserving bird populations.

Comment 4: CDFW recommends consideration of available planting and habitat resources.

CDFW is supportive of public and private landowner efforts to enhance localized habitat value, especially around developments adjacent to open space and creek corridors such as Robla Creek. Utilizing native plants onsite can lead to increased drought tolerance, decreased water use, and decreased maintenance/replacement costs while simultaneously

increasing functionality for pollinators and wildlife, increasing the site's biodiversity and ecosystem health, and increasing carbon sequestration and climate change resilience.

CDFW recommends the City and Project proponent consider utilization of the Homegrown Habitat Plant List (Sacramento Valley Chapter, California Native Plant Society) (Attachment 1) when developing landscaping plans. Further resources, including interactive planting guidance can be found at <https://calscape.org/>.

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 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.

CONCLUSION

CDFW appreciates the opportunity to comment and assist the Lead Agency in identifying and mitigating project impacts on biological resources.

Please contact me at 916-358-2384 or dylan.a.wood@wildlife.ca.gov if you have any questions.

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 Section 86 of the Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"
- 3 Douglas W Tallamy, W Gregory Shriver, Are declines in insects and insectivorous birds related?, Ornithological Applications, Volume 123, Issue 1, 1 February 2021.
- 4 Maas, B., D. S. Karp, S. Bumrungsri, K. Darras, D. Gonthier, J. C.-C. Huang, C. A. Lindell, J. J. Maine, L. Mestre, N. L. Michel, et al. . (2016). Bird and bat predation services in tropical forests and agroforestry landscapes. *Biological Reviews* 91:1081–1101.
- 5 Wenny, D. G., Ç. H. Şekercioğlu, N. J. Cordeiro, H. S. Rogers, and D. Kelly (2016). Seed dispersal by fruit-eating birds. In *Why Birds Matter: Avian Ecological Function and Ecosystem Services* (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 107–146.
- 6 Fujita, M., and K. O. Kameda (2016). Nutrient dynamics and nutrient cycling by birds. In *Why Birds Matter: Avian Ecological Function and Ecosystem Services* (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 271–297.
- 7 Dauphine, N. and Cooper, R.J. (2009) Impacts of Free-Ranging Domestic Cats (*Felis catus*) on Birds in

the United States: A Review of Recent Research with Conservation and Management Recommendations. Warnell School of Forestry and Natural Resources, University of Georgia.

8 Klem, D. (2009). Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Acopian Center for Ornithology, Department of Biology, Muhlenberg College, Allentown, Pennsylvania.

Homegrown Habitat Plant List 2019

A	B	C	D	E	F	G	H	
1	Bloom	Common Name	Scientific Name	Life Cycle	Height	WUCOL	Sun	Notes
2	Early	Western Redbud	<i>Cercis occidentalis</i>	P	10'-20'	L	S/PS	Drought-tolerant; also tolerates semi-riparian conditions
3		Red Willow	<i>Salix laevigata</i>	P	30'-50'	H	FS	Wetland-semi riparian; tolerates clay soils; fast grower, semi-deciduous
4		Arroyo Willow	<i>Salix lasiolepis</i>	P	7'-35'	H	FS	Likes marshes/wet areas; spreads by root runners; deciduous
5		Sandbar Willow	<i>Salix exigua</i>	P	10'-23'	H	FS	Constant moisture; spreads by basal shoots to any moisture
6		Valley Oak	<i>Quercus lobata</i>	P	60'-100'	L	FS	Fast growing (20' in 5 years); drought tolerant
7		Scrub Oak	<i>Quercus berberidifolia</i>	P	15'-20'	L	FS/PS	Smaller, drought tolerant, likes medium fast drainage
8		Buck Brush	<i>Ceanothus cuneatus</i>	P	5'-12'	VL	FS	Needs fast drainage; fast to moderate growth, evergreen
9		California Everlasting	<i>Psuedognaphalium californicum</i>	P	3'	VL/L	FS	Semi deciduous, may like some afternoon shade in summer
10		California Blackberry	<i>Rubus ursinus</i>	P	6'	M/H	FS/PS/S	Requires substantial moisture, wide spreading
11		Dutchmans Pipe	<i>Aristolochia californica</i>	P	20'	L/M	S/PS	Deciduous vine, grows in moist woods along streams
12		Baby Blue Eyes	<i>Nemophila menziesii</i>	A	.25'	L	FS/PS	Annual herb
13		Chinese Houses	<i>Collinsia heterophylla</i>	A	.5'	M	S/PS	Annual purple flowering herb, good in containers
14		Lacy Phacelia	<i>Phacelia tanacetifolia</i>	A	3'	VL/L	FS	Tolerates clay soils; good plant for biological pest control
15		Miners Lettuce	<i>Claytonia perfoliata</i>	A	1.3'	L/M	PS	Edible spreading annual herb; in the valley, does best in part shade
16								
17	Early-Mid	Blue Elderberry	<i>Sambucus nigra</i> var. <i>cerulea</i>	P	20'-30'	M	FS	Easy to grow, fast growing deciduous shrub/tree; host plant for endangered Valley Elderberry Longhorn Beetle
18		Interior Live Oak	<i>Quercus wislizenii</i>	P	15'-50'	VL	S/PS	Medium to large evergreen, moderate grower
19		Blue Oak	<i>Quercus douglasii</i>	P	16'-82'	VL	FS/PS	Slow grower deciduous, supports many species
20		Toyon	<i>Heteromeles arbutifolia</i>	P	12'	L	FS/PS	Evergreen shrub easy to grow, white flowers early summer, red berries in fall
21		Shining Willow	<i>Salix lasiandra</i>	P	3'-30'	M/H	FS/PS	Winter deciduous riparian plant, good for restoration projects
22		Mountain Mahogany	<i>Cercocarpus betuloides</i>	P	8'-20'	VL/L	FS/PS	In the valley this plant will do better with PM shade
23		Hollyleaf Redberry	<i>Rhamnus ilicifolia</i>	P	9'	L	PS	PM shade in the valley, siting is critical for success
24		California Broom/Deerweed	<i>Acmispon glaber</i>	P	3'	VL	FS	Not too showy subshrub with high habitat value
25		Skunkbush, Fragrant Sumac	<i>Rhus aromatica</i>	P	8'	L	FS/PS	Winter deciduous shrub, may like PM shade in valley
26		Chaparral Honeysuckle	<i>Lonicera interrupta</i> (<i>hispidula</i>)	P		VL/L	FS/PS	Hardy, woody chaparral shrub/vine, summer flowering, edible/bitter berries
27		Silver Bush Lupine	<i>Lupinus albus</i>	P	3'	L	FS/PS	Requires good drainage, PM shade in valley
28		Foothill Penstemon	<i>Penstemon heterophyllus</i>	P	5'	L	FS/PS	Perennial evergreen herb. May need pm shade in valley
29		Sonoma Sage	<i>Salvia sonomensis</i>	P	1.3'	VL	PS	Moderately drought tolerant if given part shade
30		Purple Needlegrass	<i>Stipa pulchra</i>	P	3'	VL/L	FS	CA state grass, perennial with deep roots
31		California Poppy	<i>Eschscholzia californica</i>	A	.5'	VL/L	FS	CA State flower, tolerates clay soil, readily reseeds
32		Elegant Clarkia	<i>Clarkia unguiculata</i>	A	.5'	L	FS/PS	Showy pink flowers, reseeds readily
33		Globe Gillia	<i>Gillia capitata</i>	A	1'	L/M	FS	Showy pink to lavender flowers
34		Miniature Lupine	<i>Lupinus bicolor</i>	A	1.3'	L	FS	Showy purple and white flowers, plant with CA poppies
35		Sky Lupine	<i>Lupinus nanus</i>	A	2'	L	FS	Chaparral annual herb

Homegrown Habitat Plant List 2019

	A	B	C	D	E	F	G	H
36	Bloom	Common Name	Scientific Name	Life Cycle	Height	WUCOL	Sun	Notes
37	Mid	California Buckwheat	Eriogonum fasciculatum	P	2.5'	VL/L	FS	Tough, easy to grow, prefer good drainage
38		Hoary Coffeberry	Frangula californica var tome	P	20'	L	FS/PS	May prefer PM shade in valley
39		California Wildrose	Rosa californica	P	8'	M	FS/PS	Tolerates clay soils; drought-tolerant; spreads through underground runners
40		California Wild Grape	Vitis californica	P	10'-40'	L/M	FS/PS	Common along rivers and streams, winter deciduous
41		Common Yarrow	Achillea millefolium	P	3'	L-H	FS/PS	Looks best with regular water; semi deciduous in drier conditions; can be aggressive
42		Coyote Mint	Monardella villosa	P	2'	L	PS/S	Requires good drainage, needs PM shade in the valley
43		Showy Milkweed	Asclepias speciosa	P	5'	L/M	FS	Tolerates clay soils; spreads through underground rhizomes
44		Imbricate Phacelia	Phacelia imbricata	P	1'	L	FS/PS	Perennial herb; tolerates clay soil; can re-seed
45		Woolly Sunflower	Eriophyllum lanatum	P	2'	L	FS/PS	Summer semi-deciduous; can be extremely drought-tolerant
46		Nude Buckwheat	Eriogonum nudum	P	6'	L	FS	Summer semi-deciduous; leafless stems
47		Blue Wild Rye	Elymus glaucus	P	5'	L	FS/PS	Popular accent grass for gardens; summer semi-deciduous
48		Deergrass	Muhlenbergia rigens	P	5'	L	FS	Attractive bunch grass; easy to grow; grows in most soils
49		Fleabane Daisy	Erigeron foliosus	P	3.3'	L	PS	
50		Lippia	Phyla nodiflora	P	6"	L	FS/PS	Flowering ground cover; spreads rapidly
51		Spider Lupine	Lupinus benthamii	A	2.3'	VL	FS	
52		Seep Monkeyflower	Erythranthe guttata	A	5'	M/H	FS/PS	Aquatic annual plant; good in ponds or rain gardens
53								
54	Mid-Late	Narrowleaf Milkweed	Asclepias fascicularis	P	1.5'	M	FS	Not showy; tolerates clay; host to Monarchs
55		Virgin's Bower	Clematis ligusticifolia	P	30'	L/M	PS/SH	vine; showy white flowers; summer deciduous; part shade to shade
56		Hooker's Evening Primros	Oenothera elata	P	5'	M-H	FS/PS	Wetland-riparian but still drought tolerant; reseeds aggressively
57		California Fuchsia	Epilobium canum	P	3'	L	FS	Hummingbird favorite; spreads; cut back in winter
58		Gumplant	Grindelia camporum	P	4'	L	FS	Tolerates most soils; can be cut back in winter
59		Snowberry	Symphoricarpos albus	P	6'	L	PS/SH	Moist shady areas; winter deciduous; spreads by rhizomes
60		Slender Woolly Buckwheat	Eriogonum gracile	A	5'	EL/VL	FS/PS	Small annual; tolerates most soils; winter semi-deciduous
61		Common Madia	Madia elegans	A	7'	L	FS/PS	Annual herb; showy yellow flowers; tolerates many soils
62		Common Sunflower	Helianthus annuus	A	5'	M	FS	Tolerates most soils; can get very large
63								
64	Late	California Aster	Symphotrichum chilense	P	5'	VL/L	FS/PS	Tolerates clay soil; winter deciduous; cut back in winter; aggressive spreader
65		California Goldenrod	Solidago californica	P	3'	VL/M	FS/PS/S	Easy to grow; for late color plant with Epilobium canum; spreader
66		Sulphur Buckwheat	Eriogonum umbellulatum	P	7'	VL/M	FS	Showy yellow flowers; variable plant; evergreen
67		Bee Plant	Scrophularia californica	P	4'	L	PS	Strong bee attractant; tolerates most soils; needs good drainage
68		Coyote Brush	Baccharis pilularis	P	10'	VL/L	FS/PS	Tour easy to grow shrub; variable forms; blooms into winter
69		Rubber Rubberbrush	Ericameria nauseosa	P	9'	L	FS	Needs good drainage; summer/fall bloom
70		Vinegarweed	Trichostema lanceolatum	A	1'	L	FS	Does not do well in seed mixes; sow individually; tolerates dry clay soils