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STATE CLEARINGHOUSE

From: Tran, Harvey@Wildlife
Sent: Wednesday, January 3, 2024 6:19 PM
To: Rbess@cityofsacramento.org
Cc: Wildlife R2 CEQA; Wood, Dylan@Wildlife; Kilgour, Morgan@Wildlife; Sheya, Tanya@Wildlife
Subject: Maverik Gas Station at Sheldon Road and West Stockton Boulevard Project (P21-029) - CDFW CEQA comments PT 2023-0456-0000

To Ron Bess:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (ISMND) from the City of Sacramento, Community Development Department, Environmental Planning Services for the Maverik Gas Station at Sheldon Road and West Stockton Boulevard Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

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. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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 agreement (LSAA) 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

This Project is located on northwest corner of Sheldon Road and West Stockton Boulevard, Latitude 39.438960, Longitude -121.404427 in the City of Sacramento. The Project is to construct a 5,637 square foot (sf) single-story convenience store with a small outdoor dining area, a covered 20-pump gas station, parking for up to 39 vehicles including two Americans with disabilities (ADA) spaces, space for two high speed Level III electric vehicle (EV) charging stations, and bike storage. The proposed Project also includes two side-by-side underground fuel storage tank and landscaping. Project access would be via two driveways along Sheldon Road and West Stockton Boulevard. Both driveways would be limited to right in and right out only. The driveway access to and from West Stockton Boulevard requires crossing a small portion of a drainage swale, approximately 1,000 sf, within the Caltrans right-of-way that runs along the easterly side of the Project site. The project would include stormwater detention and treatment prior to releasing stormwater into the Caltrans drainage swale via a new 12-inch storm drain line that is believed to not be hydrologically connected to any nearby streams.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Sacramento County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the following items be addressed in the draft CEQA document:

Comment 1: Landscaping, Lighting and Signage, page 5

The draft ISMND states that two trees will be removed on the Project site and will be replaced with approximately 44 new trees. The list includes nine Redbud, ten Red Crape Myrtle, nine Valley oak, six Cork oak, and three Northern Red Oak along with a mix of shrubs and groundcover. Besides the nine valley oaks, the other tree species are not native to the region. California native plants are adapted to the local area and have natural defenses to local diseases and insects, minimizing the need for pesticides. Once they are established, native plants normally need little watering beyond normal rainfall. With California experiencing frequent droughts, native plants can help save significant amounts of water that would otherwise be soaked up by thirstier non-native plants. California native plants attract local wildlife that use the plants as their natural habitat, providing them food and shelter, significantly supporting local biodiversity.

To address this comment, CDFW recommends that the draft ISMND includes a greater proportion of California native trees in the replanting list. Example native tree species that are commonly used in the Sacramento County include, but not limited to, blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), interior live oak (*Quercus wislizeni*), California sycamore (*Platanus racemosa*), Western redbud (*Cercis occidentalis*), California black walnut (*Juglans hindsii*), Oregon ash (*Fraxinus latifolia*), boxelder (*Acer negundo*), gray pine (*Pinus sabiniana*), California white alder (*Alnus rhombifolia*), and California buckeye (*Aesculus californica*).

Comment 2: ANSWERS TO CHECKLIST QUESTIONS (A)(B), page 24.

The draft ISMND lists special status plant species that have potential to be present within the Project area and its vicinity. One species of the species is Sanford's arrowhead/valley arrowhead (*Sagittaria sanfordii*) which is California Native Plant Society ranked 1B.2 and has moderate potential to occur in the Project area due to suitable habitat present within the freshwater emergent wetland and a nearby California Natural Diversity Database occurrence 0.8-mile northeast. Even though the October 4, 2021 field survey did not detect the species, there is still the potential for the plant to spread to the area between the time of the survey and the time of construction. In addition, the field survey was conducted on the tail end of the valley arrowhead's bloom period (May-October), so there is a possibility that the plant may have been missed or misidentified due to the flowers being less visible.

To address this comment, CDFW recommends that the draft ISMND includes a plant survey measure in the Mitigation Measures to survey the Project area before construction commences to confirm the presence and absence of valley arrowhead. The additional measure should be incorporated into the appropriate ISMND section(s). An example measure is provided below:

"Rare Plant Survey. If suitable habitat is present, a one-time pre-construction plant survey for Sanford's arrowhead (*Sagittaria sanfordii*) or other special-status plant species with the potential to be impacted by Project activities shall be conducted in accordance with "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018)." If any special-status plant species are present and will be affected by the Project, adequate avoidance measures shall be incorporated into the project. If special-status plant species cannot be avoided, suitable species-specific mitigation must be developed in consultation with CDFW, which may include a combination of on-site and off-site plant preservation and compensation measures."

Comment 3: Mitigation Measure BIO-1 (Construction), page 26.

The draft MND has a mitigation measure for nesting birds that states that a preconstruction survey will be conducted between February 1 and August 31 for migratory birds no sooner than ten (10) days prior to tree removal and includes a 250-foot buffer for raptors. CDFW recommends that the nesting bird preconstruction survey be done no more than seven (7) calendar days before the start of tree removal. The reason for the shorter timeframe is that some bird species (e.g., Anna's hummingbirds) can build nests in a week and are common in urban and suburban areas like the Project area. In addition, CDFW also recommends a wider survey radius of 500 feet for migratory birds and 1/2 mile for raptors

because construction activities occurring between 250 feet and 1/2 mile can potentially cause disturbance to bird nesting behavior.

To address this comment, CDFW recommends the draft ISMND modify the Mitigation Measure BIO-1 (Construction) to shorten the survey window while increasing the survey radius. An example measure is provided below:

“Nesting Bird Survey. If Project-related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a qualified biologist no greater than seven (7) calendar days prior to the beginning of Project-related activities. The qualified biologist shall survey a minimum radius of 500-foot (for migratory birds) and 1/2-mile (for raptors) around the Project area that can be accessed by Project proponent. If no active nests are found, Project activities may proceed as scheduled.

Active Nests. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer shall be determined and established by a qualified biologist. The buffer shall be kept in place until after the breeding nesting season or the qualified confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the qualified biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

Project Delay. If a lapse in Project-related work of seven (7) calendar days or longer occurs, the qualified biologist shall complete another focused survey before Project work can be reinitiated.

Project Proponent Responsibility. It is the Project proponent’s responsibility to comply with Fish and Game Code Sections 3503, 3503.5, and 3513, regardless of the time of year.”

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: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed 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

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the ISMND for the Maverik Gas Station at Sheldon Road and West Stockton Boulevard Project to assist the City of Sacramento in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this email or further coordination should be directed to Harvey Tran, Senior Environmental Scientist (Specialist) at (916) 358-4035 or harvey.tran@wildlife.ca.gov.

Thank you.

Harvey Tran

Senior Environmental Scientist (Specialist)

California Department of Fish and Wildlife
Region 2 - North Central Region
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