



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
(916) 358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

March 08 2024

March 8, 2024

STATE CLEARINGHOUSE

John Della Monica
Community Development Director
City of Lodi
221 West Pine Street
Lodi, CA 95240
jdellamonica@loidi.gov

Subject: City of Lodi General Plan 2024 General Plan Update
Notice of Preparation
SCH No. 2024020668

Dear John Della Monica:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) from City of Lodi for the, City of Lodi General Plan 2024 General Plan Update (Project), in San Joaquin County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. 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 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.

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.

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 Project site is located throughout the City of Lodi (City), an incorporated city in the San Joaquin Valley. The City is located between Stockton to the south; Sacramento to the north, and unincorporated San Joaquin Valley lands in the east and west. The City is bisected by State Route (SR) 99 and the main line of the Union Pacific Railroad. Regional access to the City is also provided by SR-12 and Interstate 5.

The Project consists of minor adjustments to designations on the General Plan Land Use Map, in many cases for land that is already developed but not identified as the correct designation on the Land Use Map. Additionally, the proposed project recognizes the 2023 expansion of the City's Sphere of Influence (SOI) to include an additional area of approximately 850 acres located south of Kettleman Lane and east of Highway 99. The City is also updating its Vehicle Miles Traveled (VMT) model and is amending the Transportation Element to reflect the results of this VMT analysis. Separately, the City is preparing to adopt General Plan updates to its Housing Element and Safety Element as well as adopt policies to address Environmental Justice. The Housing Element, Safety Element and Environmental Justice provisions will be adopted prior to the 2024 General Plan update described in this NOP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City of Lodi in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR and Project consider incorporating the following principles to promote the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species within the City:

1. The City shall promote the preservation and restoration of contiguous areas of natural habitat throughout the city and support their integration with existing and future preserves;
2. The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention

shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;

3. The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with state and federal regulations in perpetuity;
4. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with state and federal regulations protecting wetland resources, and if applicable, special-status species such as: steelhead (*Oncorhynchus mykiss irideus*), Swainson's hawk (*Buteo swainsoni*), Burrowing Owl (*Athene cunicularia*), and Tricolored Blackbird (*Agelaius tricolor*). Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no net loss of value and/or function;
5. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with state and federal regulations protecting foraging habitat for those species known to utilize this habitat;
6. The City shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the city that provide habitat for common native, and special-status wildlife species;
7. The City shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;
8. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the Project site. Survey Reports shall be prepared and submitted to the City and

CDFW or the United States Fish and Wildlife Service (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with state and federal law;

9. The City will thoroughly analyze future projects potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed, the City will 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 City shall analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, the City shall analyze a project's cumulative impacts and determine if that contribution would result in a significant impact;
10. The City will adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of projects. Mitigation will be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355);
11. The City shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the city;
12. The City shall support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements; and
13. The City shall comply with all applicable laws related to nesting birds and birds of prey. Potential habitat for nesting birds and birds of prey is present throughout the City of Lodi. The City shall analyze all potential activities that may incur a direct or indirect take to nongame nesting birds within the city and provide appropriate avoidance, minimization, and/or mitigation measures to avoid take. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The City shall also include specific avoidance and minimization measures that will be implemented should a nest be located within a project site. In addition to larger, protocol level survey efforts and scientific assessments, final preconstruction surveys may be required no more than fifteen (15) days prior to vegetation clearing or ground

City of Lodi General Plan 2024 General Plan Update

March 8, 2024

Page 5 of 6

disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

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 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 effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Lodi 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 sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the 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 Notice of Preparation of the EIR for the City of Lodi General Plan 2024 General Plan Update and recommends that the City of Lodi address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Zach Kearns, Environmental Scientist at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1ABC45303752499...

Tanya Sheya
Environmental Program Manager

City of Lodi General Plan 2024 General Plan Update

March 8, 2024

Page 6 of 6

ec: Billie Wilson, Senior Environmental Scientist (Supervisory)
Zach Kearns, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>