

DEPARTMENT OF FISH AND GAME

SACRAMENTO VALLEY AND CENTRAL SIERRA REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CALIFORNIA 95670
Telephone (916) 358-2900



September 17, 2003

Mr. Patrick Angell
City of Elk Grove
8400 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Angell:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the City of Elk Grove's 2003 draft General Plan. The project consists of an update of the existing General Plan, which was adopted before the City of Elk Grove's incorporation in July 2000. For the next 20 years the proposed General Plan will provide land use designations and guide future development within the City of Elk Grove, as well as the 93,560 acre City of Elk Grove Planning Area (Planning Area) which extends outside the city limits and for which City of Elk Grove has applied to Sacramento County Local Agency Formation Commission (LAFCO) as a Sphere of Influence. The project is located in and around the City of Elk Grove in Sacramento County.

Wildlife habitat resources within the Planning Area consist of a mixture of natural habitat, agricultural lands, and urban development. Significant natural resources of the project include habitat for sensitive species, the Cosumnes River, tributary streams, vernal pools, grasslands, wetlands, and woodland and riparian habitat. Natural resources within the Planning Area are of considerable significance and value. The Nature Conservancy (TNC), Bureau of Land Management, Ducks Unlimited, DFG, U. S. Fish and Wildlife Service, and Sacramento County have all invested significant funds to protect land within the Planning Area expressly because of the high habitat values found there.

Given the significance of the natural resources that occur within the Planning Area, we are concerned that the DEIR does not provide an accurate picture of natural resources in the project area. Unfortunately, DFG finds that the DEIR fails to adequately describe natural resources present in the Planning Area, fails to discuss the potential impacts that may result from the proposed General Plan, and fails to provide mitigation that will off-set probable impacts. Following is a list of the DEIR's deficiencies:

I. Biological Resources Section 4.10:

The Biological Resources section of the DEIR fails to adequately describe wildlife resources. In order to accurately describe the impacts to fish and wildlife that may reasonably be expected to result from the proposed Elk Grove General Plan, the Biological Resources section must be revised to contain information about the actual distribution of species and habitats within the Planning Area. The Biological Resources section consists of information gathered during a single day's field survey conducted on September 27, 2002, and a records-search of databases kept by the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS). Review of the Biological Resources section's methodology (Page 4.10-38) reveals that the DEIR's biological analysis, with little or no exception, consists of merely reciting database records.

This approach to impact analysis is flawed for a variety of reasons. The CNDDDB contains "positive observations" only. That is, CNDDDB records will not tell you whether a given species of plant or animal occupies a particular area, or not. It merely records where species were once observed, provided that a record was submitted. In its License Agreement with its users the CNDDDB cautions that:

"...we cannot, and do not, portray the CNDDDB as an exhaustive and comprehensive inventory of rare species and natural communities. Field verification for the absence and presence of sensitive species will always be an important obligation of our customers."

While CNDDDB records are useful in identifying the list of species likely to inhabit the project site, database searches should never be used in place of actual field surveys or contact with knowledgeable individuals. The above CNDDDB caveat warns that use of CNDDDB information alone, can in many cases grossly misrepresent the distribution of wildlife. In addition to the inherent limitation of CNDDDB noted above, the database incorrectly describes the distribution of more common species of wildlife simply because they are under-reported, and there is the well known lack of CNDDDB records on private property because of limited access. These criticisms are not meant to denigrate CNDDDB, but rather to point out the improper use of CNDDDB records in the preparation of this DEIR. CNDDDB does not provide a comprehensive inventory of wildlife within the Elk Grove Planning Area because it was never designed for this purpose.

The DEIRs analysis of impacts to the greater sandhill crane serves to illustrate the types of errors and attendant non-disclosure of impacts which results from using CNDDDB as the only source of biological information. The DEIR states that "No records for this species (greater sandhill crane) are listed in the CNDDDB". First of all, a check with the CNDDDB revealed that prior to August 2003; the CNDDDB did not track wintering sandhill cranes. Secondly, while prior to August 2003, the CNDDDB contained no records for wintering sandhill cranes, DFG was, none-the-less, actively monitoring

greater sandhill crane use in the vicinity. Surveys conducted by DFG during November 2001, located sandhill crane nocturnal roosts within 2 miles of the Planning Area, at which time over 1,200 cranes were counted. Furthermore, in 2001, TNC prepared a report which identified important sandhill crane foraging areas surrounding the Cosumnes Preserve. All of this information was available upon request. Our point here is that in addition to database records the DEIR should contain all relevant information, such as, contact with State or Federal wildlife agency biologists, contact with local experts and conservation organizations (TNC, Audubon Society, CNPS, etc), as well as, focused surveys that are designed to identify suitable habitats and describe wildlife resources within the Planning Area.

In order to remove the deficiencies noted above and provide the information necessary to inform decision makers about the potential significant impacts of the proposed General Plan, we recommend that the Biological Resources Section be revised to include:

1. Information about the distribution of wildlife within the Planning Area. At a minimum, the DEIR should identify suitable habitat areas within the Planning Area and its vicinity. Suitable habitat areas should be assessed to determine their value to target species. When there is doubt of the habitat area's value to target species, then the DEIR should contain the results of field surveys that are designed to disclose the presence and status of State- or Federally-listed rare, threatened, or endangered species, and other species of concern. These surveys should be conducted at the time of year when endangered or threatened species are both evident and identifiable. As part of its analysis, the DEIR should also contact local wildlife agencies, conservation groups, and experts with knowledge of the distribution of wildlife within the Planning Area.
2. A map or maps showing the location and amounts of the various habitats types within the Planning Area. Figure 4.10-1 shows habitat with the Elk Grove City limits only. The DEIR should contain a map that shows the location of the various habitats throughout the Planning Area. Particular attention should be given to unique habitats like wetlands, riparian corridors, vernal pool grasslands, or habitats known to support sensitive species, such as, Sandhill crane roosts/foraging area, Swainson's hawk nests, etc.
3. Proper use of CNDDDB information. Citation of the CNDDDB records should be used to augment other data and aid in the accurate description of the distribution of species within the Planning Area. As written, however, the Biological Resources section consists of a recitation of "No records for this species are listed" giving an overall impression that there are no new natural resources within the Planning Area. Our experience with the planning area is that this is not an accurate depiction, and the understatement of natural resource value results from an improper use of CNDDDB. Also, the use of CNDDDB information should be

limited to species that are currently being tracked by CNDDDB. The DEIR uses CNDDDB records information to analysis the status of the oak titmouse (*Baeolophus inornatus*), Nutall's woodpecker (*Picoides nuttallii*), and grasshopper sparrow (*Ammodramus savannarum*) within five miles of the Planning Area. For each of the species the DEIR observes that "No records for this species are listed in the CNDDDB within the Planning Area vicinity". However, a check with the staff at CNDDDB revealed that these three species are not even tracked by CNDDDB. And the database would, therefore not contain any records for them.

II. Project Impacts and Proposed Mitigation Measures:

The DEIR identifies the impacts to wildlife resulting from the proposed General Plan (Impacts 4.10-1 through 4.10-4). To summarize the DEIR's description of the project impacts, they consist of: direct or indirect impacts to habitat of special status plants, special status animals and associated habitat, sensitive habitat areas, and cumulative impacts to special status plants and wildlife through habitat loss. The DEIR provides mitigation for these impacts in two forms, either through Policies and Action Items within the General Plan, and/or mitigation proposal contained in the DEIR (Mitigation Measures MM 4.10-1 through MM 4.10-3).

MM 4.10-1a:

This Mitigation Measure consists of a proposal to, "...*seek to preserve areas, where feasible, where special-status plant and animal species and critical habitat areas are known to be present or potentially occurring ...*" Similarly, Parks Trails and Open Space policy PRO- 5 of the draft General Plan proposes to preserve open space lands for a variety of needs including wildlife habitat. However, neither the General Plan, nor the DEIR give the location of areas that are planned to mitigate the effects of the project upon wildlife, either in the City Limits, or within the greater Planning Area.

MM 4.10-1a has an additional inadequacy related to the source of information proposed to locate special status resource areas. The location of these special status resource areas are to be based on information contained in the, "...*City biological resource mapping and data provided in General Plan EIR or other technical material...*". As noted above, neither the General Plan nor the DEIR currently contain accurate information about the distribution of special status species or their habitats, and the "other technical materials" mentioned in the DEIR were not made available for review. What the DEIR does contain is CNDDDB records information, and as noted, these records alone will not provide the information needed to plan preserves that benefit special status plants and animals. Since the location of special status plants and animals and their habitat remain undisclosed, Mitigation Measure MM4.10-1a is infeasible.

We recommend that Mitigation Measure 4.10-1a be revised to include information about the location of special status species and their habitat (see comments on the Biological Resources section), as well as the location and extent of areas that are to be set-aside to mitigate the impact to them. This information should be in sufficient detail to be useful in identifying the location and extent of preserves which would function to off-set the impacts identified in Impacts 4.10-1, 4.10-2 and 4.10-3.

MM 4.10-1b:

Similar to MM 4.10-1a, this measure relies on resource information purportedly contained in the General Plan or the DEIR. Measure MM 4.10-1b requires that a biological resources evaluation be conducted on private and public development projects in areas where, based on the "...*City's biological resource mapping and data provided in General Plan EIR...*" special status resources occur onsite. As mentioned in MM 4.10-1a and comments on the Biological Resources section above, the DEIR doesn't contain adequate information regarding the distribution of special status species or their habitats, and therefore would not be useful in identifying where biological resources evaluations should be performed. For these reasons we find this mitigation measure infeasible without the revisions noted above in comments on the Biological Resources section.

We recommend that Mitigation Measure 4.10-1b be revised to:

1. Revise the DEIR to include information about the location of habitat for special status species (see comments on the Biological Resources section). This information should be in sufficient detail to be useful in identifying areas where a biological resource evaluation may be necessary in order to avoid impacting special status plants or animals.
2. Remove the provision calling for "relocation of the species to another suitable habitat area." Be removed from 4.10-1b. This measure may result in "take" under the State Endangered Species Act, as well as, having no positive benefit as a mitigation measure.

MM 4.10-3:

This mitigation measure is intended to off-set impacts to sensitive habitats. Sensitive habitat is described on page 4.10-37 of the DEIR, and includes: lakes, intermittent and perennial streams, rivers, irrigation ditches, seasonal marsh, seasonal wetlands, and vernal pools, native and some non-native trees, and riparian habitat. However, Mitigation Measure MM 4.10-3 only requires mitigation for impacts to riparian areas.

In addition to MM 4.10-3's requirement for mitigation of loss of riparian habitat, we recommend that the measure be revised to include a requirement to mitigate impacts to all sensitive habitats. We recommend that for streams, rivers, and lakes

Mr. Angell
September 16, 2003
Page 6

mitigation be based on DFG's standard recommendations under 1600 of the Fish and Game Code. Intermittent streams should be affording a minimum 50 foot setback on either side of the stream, and perennial streams should be afforded a minimum 100 foot setback. Setbacks should be measured from the top of the bank, or the edge of riparian vegetation, whichever is greater. Within the setback no grading, construction, or destruction of vegetation should be allowed. Mitigation for unavoidable impacts to vernal pools, seasonal and perennial wetlands should be based on guidelines established by the U.S. Fish and Wildlife Service and the Army Corps of Engineers. Buffers should be expanded to protect any onsite riparian habitat or sensitive special status species (i.e. tiger salamander).

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review the DEIR and draft General Plan. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Senior Wildlife Biologist, telephone (209) 369-8851 or, Ms. Terry Roscoe, Habitat Conservation Supervisor, telephone (916) 358-2382.

Sincerely,

Larry L. Eng, Ph.D.
Deputy Program Manager

cc: U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 92825-1888

Ms. Terry Roscoe
Mr. Dan Gifford
Department of Fish and Game
Sacramento Valley - Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, California