



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In reply refer to:  
81420-2009-TA-0858-1

22 July 2009

Joyce Horizumi, Director  
Department of Environmental  
Review and Assessment  
County of Sacramento  
700 H Street, Suite 2450  
Sacramento, CA 95814

Subject: Comments on the Draft Environmental Impact Report for the Sacramento County  
General Plan Update, May 2009

Dear Ms. Horizumi:

This responds to the May 1, 2009, County of Sacramento request for comments on the May 2009 Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update in Sacramento County, California. The U.S. Fish and Wildlife Service (Service) is providing comments in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA). Of the 20 federally-listed species identified in the Service's 2005 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Recovery Plan), the federally-endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and Sacramento Orcutt grass (*Orcuttia viscida*), and the federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and slender Orcutt grass (*Orcuttia tenuis*) are known to occur within the project area. The federally-threatened giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus dimorphus californicus*), and California tiger salamander (*Ambystoma californiense*) also exist within the project area. The Service believes the proposed General Plan Update (proposed project) is likely to result in significant impacts to federally listed species, in particular those species associated with vernal pool habitats. Habitat conversion for urban, agricultural, and industrial uses has filled much of the vernal pool habitat in Sacramento County, and the remaining habitat has become increasingly fragmented. The Service is particularly concerned about development impacts in the large Jackson Highway Corridor and Grant Line East New Growth Areas identified in the proposed project and resulting impacts to vernal pool ecosystems including core recovery areas and designated critical habitat. We are also concerned that approving the General Plan Update prior to approving the South Sacramento Habitat Conservation Plan (SSHCP) will delay the successful completion and implementation of the SSHCP.

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The Service would first like to commend Sacramento County in their continued planning efforts related to successfully completing the SSCHCP and stated objectives to implement environmentally friendly development principles such as those presented in the Sacramento Area Council of Governments (SACOG) "Blueprint". We look forward to continued partnerships with County staff to minimize impacts to trust resources in planning efforts and development proposals considered by the County. The EIR proposed project is significantly inconsistent with low impact development principles identified in the SACOG Blueprint. We remain concerned and have provided comments previously regarding County planning efforts and development proposals considered by the County and their impacts on vernal pool resources within south Sacramento County. Most recently, the Service has provided comments regarding the Jackson Highway and Grant Line East Visioning process (Service file #: 81420-2009-TA-0115-1) dated November 13, 2008 (attached). The Service had previously provided comments on the Draft South Mather Wetlands Management Plan (Service file #: 81420-2008-TA-1801-1) dated September 3, 2008 (attached). Sacramento County planning efforts, including the General Plan Update, continue to be inconsistent and contrary to input provided by the Service, and are of significant concern.

The Jackson Highway Corridor and Grant Line East New Growth Areas constitute a significant portion of the Mather Core Recovery Area (Core Area), as defined in the Recovery Plan. The Core Area is designated a Priority One Core Recovery Area, and as such is considered essential to species' recovery (USFWS 2005). Southern Sacramento County and the Core Area are particularly important to vernal pool animal and plant species and their recovery, particularly the vernal pool tadpole shrimp, vernal pool fairy shrimp, slender Orcutt grass, and Sacramento Orcutt grass. The DEIR states that vernal pool conservation goals in the proposed project include conserving only 50 percent of suitable vernal pool habitat in the project area and mitigating for losses in the region south of the Cosumnes River. The Recovery Plan recommends preserving eighty-five to ninety-five percent of the suitable habitat in the Core Area in order to achieve listed species recovery. Conservation goals for the Core Area, as established in the Recovery Plan, would likely not be achieved under the proposed project described in the DEIR. Additionally, the proposed project includes mitigating for habitat loss within the Cosumnes-Rancho Seco Core Area south of the Cosumnes River, which is not an appropriate conservation strategy for all listed species. The vernal pool plant and animal communities within the Mather Core Area are considerably different than those occurring in the Cosumnes-Rancho Seco Core Area and are not an appropriate surrogate in mitigating for impacts occurring in the Mather Core Recovery Area. The Service recommends that habitat conservation occur within the same Core Area as the impact.

Portions of the Jackson Highway new growth area and former Mather Air Force Base are contiguous with the entire Mather Critical Habitat Unit (Federal Register 70: 46924-46999). Critical habitat is an essential component of successful federally-listed species conservation. The Mather Critical Habitat Unit is small relative to other Critical Habitat Units. However, this new growth area is located within the Mather Core Area and, as mentioned above, this region is vitally important to the recovery of a number of vernal pool species. Conserving suitable amounts of vernal pool habitat within the Mather Critical Habitat Unit is a priority for the Service. After reviewing the land use plans and associated mitigation presented in the DEIR, the Service is concerned that potential impacts of the proposed project to this small, yet vital critical

habitat unit may adversely impact the role of the Mather Critical Habitat Unit in providing for species survival and recovery. The DEIR does not sufficiently analyze the role of Core Areas or critical habitat in vernal pool species recovery, or the potential impacts of the proposed project on vernal pool resources occurring within Core Areas or designated critical habitat. As such, the Service recommends a more critical evaluation of actual housing needs in the region, especially in light of current markets, and how best to strike a balance to fulfill this need while minimizing impacts to federally-listed species.

The Service also disagrees with the statement on page 1-18 of the DEIR regarding whether “General Plan policies and existing regulations provide all feasible protections for wetland and riparian habitat.” General Plan policies and existing County regulations provide little to no formal protection of sensitive areas such as wetlands and riparian habitats or special status species inhabiting these areas. County planning policies and regulations rely on compliance with State or Federal regulations to protect these resources, yet existing County policy and regulation does not make consultation with State or Federal regulatory agencies compulsory. The Service requests that the final EIR proposed project and the General Plan Update include new requirements that applicants demonstrate compliance with State and Federal natural resource laws and regulations prior to a project receiving County approval.

The Service is concerned about inconsistencies between the proposed new growth areas identified in the DEIR proposed project and the principles and recommendations contained within the Blueprint. The DEIR provides little to no analysis or discussion of why the proposed project exceeds housing needs developed by SACOG by 25,000 to 75,000 dwelling units. Additional information and analysis is needed in the final EIR document to explain why 25,000 to 75,000 excess housing units are included in the proposed project. The new growth areas along Jackson Highway and Grant Line East are also inconsistent with Blueprint recommendations regarding new development near existing development and infrastructure. Although phased development has been proposed to mitigate certain urban impacts in the Jackson Highway corridor, the proposed project will still contribute to a “leap frog” effect of development into sensitive vernal pool habitats. In addition, the development proposed along the Jackson Highway Corridor conflicts with some vernal pool habitat preservation, species corridor, and ecosystem connectivity goals and biological objectives that are essential components of the SSHCP draft conservation strategy.

We are deeply troubled because the EIR proposed project includes no mitigation measures for the likely leap frog or greenfield development within the larger Grant Line East new growth area. Mitigation measures that will prevent destructive leap frog and greenfield development patterns inside the very large Grant Line East new growth area must be added to the final EIR proposed project to help slow the destruction of critically important vernal pool habitats in this large area. Based on information presented in the DEIR the Service believes that project Alternative 1 (Remove Grant Line East), Alternative 2 (Focused Growth) or project Alternative 3 (Mixed Use) as discussed in the DEIR, are more practicable than the proposed project in meeting County housing needs through 2030 while also significantly reducing natural resource impacts associated with new development.

Beginning in 1995 and more intensely since 2001, Service and County staff have worked closely with numerous local stakeholders to develop a draft SSHCP, a regional approach to addressing urban development, habitat conservation, open space protection, and agricultural protection in the south County, including the proposed new growth areas. The County and the Service jointly published a Notice of Preparation and a Notice of Intent to prepare an Environmental Impact Report/Environmental Impact Statement on the draft SSHCP in June 2008, and a final SSHCP is scheduled to be completed in January 2011. Because the Service and the County have extended considerable effort to develop a draft SSHCP, we are concerned that the County now proposes to approve new growth areas of this scale while the SSHCP is still being developed, and the SSHCP document has not been released in its entirety for public review and comment. The Service is concerned that the County's approval of the two new growth areas at this time is pre-decisional, and may jeopardize the successful and timely completion of the SSHCP and EIS/EIR.

The DEIR also appears to rely significantly on a SSHCP conservation strategy that is still being developed to mitigate for environmental impacts resulting from the proposed project General Plan Update, including the large New Growth Areas. It is our belief that the reliance on an HCP that is not yet complete not only jeopardizes successfully completing the SSHCP, but questions whether it is advisable for the County Supervisors to proceed in approving the final EIR and adopting a General Plan Update that relies so substantively on an HCP that does not yet exist to minimize impacts. We request that the County add additional information and analysis to the final EIR to explain what will happen to an approved General Plan Update if, for some unexpected reason, the SSHCP is never finalized or never permitted. Is there an alternative way to mitigate the environmental impacts of the two new growth areas? The Service recommends the County postpone finalizing the EIR and the General Plan Update until completing the SSHCP.

Many pages of detailed information about the SSHCP were inserted in the DEIR document for public comment at this time. As stated previously, the SSHCP planning process began in 1995 and the Plan has evolved over that time. The information about the SSHCP included in the DEIR is several years old and is no longer current. Analysis and conclusions in the DEIR based on this outdated biological information are not valid. New impact analysis is needed in the final EIR to support any conclusions based entirely or in part on the SSHCP information that was included in the DEIR, including the DEIR's determination of significance for some resources.

In 2008, the SSHCP lead California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) agencies updated all information on the SSHCP for use in their separate SSHCP public scoping process. Much of the out-dated information in the DEIR regarding the SSHCP content and process is not consistent with the current status of the SSHCP, and is not consistent with the SSHCP Notice of Intent and the public scoping materials now in front of the public for comment and review. As required under NEPA, the public scoping process for the SSHCP will remain open until shortly before the Draft EIS/EIR and Draft SSHCP are released to the public. The Service believes that concurrently presenting outdated and conflicting information about the SSHCP in the DEIR is confusing, and is jeopardizing the on-going NEPA public-participation process for the SSHCP EIS/EIR. Any public confusion about the SSHCP will slow the preparation of the draft and final EIS/EIR, ultimately delaying the

Service's permit decision on the SSHCP. Therefore, the Service requests that the final EIR delete all SSHCP information, commitments, take amounts, and preserve acreages presented in the DEIR that were not specifically included in the 2008 Notice of Intent, or specifically included in the 2008 SSHCP scoping materials.

The Service also submits this comment on the draft General Plan Update (dated April or May 2009): several Elements of that document specify that the new General Plan need only "be consistent with Habitat Conservation Plans that ...are in draft format". The Service is concerned that outdated early informal drafts of the SSHCP will be used to guide future mitigation and conservation within the proposed new growth areas over the next 30 years. The Service requests that the final EIR and the final General Plan Update reference only the final SSHCP and SSHCP permits, if these are issued by the Service and the California Department of Fish and Game (CDFG).

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Sacramento County General Plan Update, May 2009. We are committed to working with Sacramento County to ensure proposed development in the County adequately protects federally-listed species and designated critical habitat and remains consistent with conservation strategies being developed as part of the SSHCP.

Please contact Terry Adelsbach, Senior Biologist, Sacramento Valley Branch; Nina Bicknese, Senior Biologist, Conservation Planning Branch; or myself at 916-414-6600 if you have any questions or concerns regarding this letter.

Sincerely,



Kenneth D. Sanchez  
Assistant Field Supervisor

Attachments (2)

cc:

Mr. David Defanti, Sacramento County  
Mr. Richard Radmacher, Sacramento County  
Ms. Kathleen Dadey, Army Corps of Engineers  
Mr. Paul Jones, Environmental Protection Agency  
Mr. Greg Vaughn, Central Valley Regional Water Quality Control Board  
Ms. Sandy Morey, California Department of Fish and Game, Region 2