



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
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Meeting Date: 11/8/2011

Report Type: Staff/Discussion

Title: Landfill Tree Mitigation

Report ID: 2011-00961

Location: District 3

Recommendation: Adopt a Resolution directing staff to form a mitigation committee to develop a plan that accomplishes the following goals: 1) identification of the environmental impacts of the cottonwood tree removal including possible loss of habitat value and development of an implementation plan; 2) identification and evaluation of strategies to manage the closed landfill in ways that are compatible with potential future land uses at Sutter's Landing Park; and 3) providing an effective public communication and outreach strategies.

Contact: Dave Brent, Interim Director, 808-1420; Dave Brent, Interim Director, (916) 808-1420; Steve Harriman, Integrated Waste General Manager, (916) 808-4949, Department of Utilities

Presenter: Dave Brent, Interim Director, (916) 808-1420; Steve Harriman, Integrated Waste General Manager, (916) 808-4949, Department of Utilities

Department: Department Of Utilities

Division: Solid Waste Administrative Service

Dept ID: 14001711

Attachments:

- 1-Description/Analysis
- 2-Resolution.

City Attorney Review

Approved as to Form
Janeth D. San Pedro
11/2/2011 4:15:49 PM

Approvals/Acknowledgements

Department Director or Designee: Dave Brent - 11/2/2011 2:40:01 PM



Description/Analysis

Issue: During the week of September 26, 2011, approximately 50 cottonwood trees were removed from a one acre storm water detention basin at the 28th street landfill facility by the Department of Utilities (DOU), Solid Waste Division. The triangular detention basin is bordered by Interstate 80 on the south, a railroad levee on the east, and the closed City landfill on the west. The basin is not suitable for public access given the presence of methane gas equipment and groundwater monitoring wells related to the closed landfill facility, and fences have been constructed to maintain site security.

On October 25, 2011, the City Council heard public comment objecting to the tree removal, and the Council directed staff to report on the following four issues:

1. *Investigate how and why the trees were removed and make sure there are policies in place to avoid a similar situation from occurring again.*

Over the past several years, the fences surrounding the landfill have been repeatedly damaged allowing a large homeless camp to be established in the area. The basin was attractive as a homeless camp because of the shade and obscurity provided by the cottonwood trees. Several times, the County of Sacramento Environmental Management Department commented on the significant public health and safety concerns posed by the homeless camp in the area as part of its regulation of the City's post-closure management of the landfill facility. Specifically, Section 21190 of Title 27 of the Public Resources Code requires the City to: 1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems; 2) prevent public contact with waste, landfill gas and leachate; and 3) prevent landfill gas explosions. The homeless camp presented a significant threat to these requirements due to people living in proximity to the closed landfill, repeated tampering with the landfill gas and groundwater equipment in the basin, open fires, propane tanks, etc. The homeless camp also created a dangerous situation for City employees responsible for maintaining the methane gas and groundwater equipment in the basin due to the continuous presence of aggressive dogs and people, human waste, and significant quantities of debris. The trees were removed in a misguided effort to protect and promote public health and safety by discouraging homeless campers from setting up living quarters adjacent to the methane gas equipment.

The City applies and follows the heritage tree process specified in City Code chapter 12.64 for removal of such trees on City property. In this case, however, DOU staff failed to consult with the Urban Forestry Services Division to determine if the cottonwood trees would be considered heritage trees. A cottonwood tree, as a species, is not identified per se as a heritage tree under the City's ordinance, but could qualify as one if the tree has a trunk circumference of 100 inches or more, is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species. Additionally, DOU staff mistakenly believed that the tree removal was exempt from the California Environmental Quality Act (CEQA). Upon further review, CEQA review should have been completed prior to the tree removal. To prevent a similar

situation from occurring again, the City will ensure that DOU staff understands and follows CEQA requirements by establishing a management level contact within the Community Development Department for review and consultation on all landfill projects.

- 2. Direct the Department of Utilities to prepare, fund, and implement a plan to replace the habitat that was removed from the storm water detention basin.*

As the process above was not followed, no determination has been made to identify the environmental impact of the tree removal. The Department of Utilities, however, is committed to investigating what was in place in the area to determine the environmental impacts of the cottonwood tree removal including the possible loss of habitat, and taking appropriate corrective action including full restoration of any lost habitat resulting from the tree removal. To that extent, DOU will form a mitigation committee to investigate and prepare an implementation plan for consideration and adoption by the City Council within 180 days. The committee may include, but is not limited to, representatives from Friends of Sutter Landing, Friends of the Swainsons Hawk, the Native Plant Society, Save the American River Association, and City staff. The committee will be charged with identifying the environmental impacts of the cottonwood tree removal including possible loss of habitat value; creating an implementation plan including full replacement of any habitat loss; developing a cost estimate and funding source for the implementation plan; and oversight of plan implementation after Council adoption.

- 3. Identify management strategies that promote compatibility between the post-closure requirements of the closed landfill facility and potential future land uses at Sutter's Landing Park.*

The proposed mitigation committee would also be tasked with identifying and evaluating management strategies which would be included in the report to the City Council within 180 days.

- 4. Meet with the public to inform them of actions being planned.*

The mitigation committee meetings will be open to the public. In addition, public information and outreach strategies in the report to the City Council within 180 days.

Policy Considerations: The mitigation committee will be charged with the development of an action plan that is consistent with City policy and CEQA.

Environmental Considerations: Formation of a mitigation committee is considered an administrative activity by a governmental agency and therefore not subject to CEQA pursuant to Section 15378 of the CEQA Guidelines. However, the recommendations of the mitigation committee may be subject to CEQA review and will be addressed accordingly.

Sustainability: The Department of Utilities is committed to managing the closed landfill facility in ways that promote sustainability of riparian habitat on the American River Parkway and compatibility with future land uses at Sutter's Landing Park. The proposed mitigation committee will assist with the development and implementation of management principles and strategies to meet these objectives.³ of 5

Commission/Committee Action: NA.

Rationale for Recommendation: The mitigation committee will include community stakeholders to develop a plan that accomplishes the following goals: 1) identification of the environmental impacts of the cottonwood tree removal including possible loss of value, and development of an implementation plan; 2) identification and evaluation of strategies to manage the closed landfill in ways that are compatible with potential future land uses at Sutter's Landing Park; and 3) providing an effective public communication and outreach strategies.

Financial Considerations: The cost to implement recommendations of the mitigation committee and funding source will be included in the report to the City Council.

Emerging Small Business Development (ESBD): NA



RESOLUTION NO.

Adopted by the Sacramento City Council

28TH STREET LANDFILL TREE REMOVAL MITIGATION COMMITTEE

BACKGROUND

- A. During the week of September 26, 2011, cottonwood trees were removed from a storm water detention basin located at the City's closed 28th street landfill facility to address the significant public health and safety concerns created by a large homeless camp in the basin where methane gas equipment is present.
- B. The Department of Utilities is committed to investigating, developing, and implementing a plan to mitigate the environmental impacts, including possible loss of habitat value, resulting from the cottonwood tree removal.
- C. The most efficient and effective process to develop a plan is to convene a committee of community stakeholders and report back to the City Council within 180 days with recommendations.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Staff is directed to form a mitigation committee comprised of community stakeholders including, but not limited to, Friends of Sutter's Landing Park, Friends of Swanson Hawk, Save the American River Association, the Native Plant Society, and City staff to develop a plan that accomplishes the following goals: 1) identification of the environmental impacts of the cottonwood tree removal including possible loss of habitat value and development of an implementation plan; 2) identification and evaluation of strategies to manage the closed landfill in ways that are compatible with potential future land uses at Sutter's Landing Park; and 3) providing an effective public communication and outreach strategies.
- Section 2. Staff is directed to report back to the City Council with recommendations within 180 days.