



# City of Sacramento City Council

915 I Street, Sacramento, CA, 95814

[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 5/15/2012

**Report Type:** Consent

**Title: Contract: North Natomas Regional Park Phase 4 – Sports Fields Project (L19140100) and Environmental Documents**

**Report ID:** 2012-00407

**Location:** 2501 North Market Drive, District 1

**Recommendation:** Pass 1) a Resolution adopting the Mitigated Negative Declaration and Mitigation Reporting Program for the North Natomas Regional Park Phase 4-Sports Fields project (L19140100) (referred to in the Initial Study/Mitigated Negative Declaration as the "North Natomas Regional Park Ballfield Complex"; and 2) a Motion a) approving the contract plans and specifications for the project; 2) awarding the contract to Hemington Landscape Services, Inc. for improvements to the park in an amount not to exceed \$3,752,579; and b) authorizing the City Manager, or City Manager's designee, to execute and award the contract to Hemington Landscape Services, Inc. for the project.

**Contact:** Dennis Day, Associate Landscape Architect, (916) 808-7633; J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, Department of Parks and Recreation

**Presenter:** None

**Department:** Parks & Recreation Department

**Division:** Park Development Services

**Dept ID:** 19001121

**Attachments:**

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- 01-Description/Analysis
- 02-Background
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**City Attorney Review**

Approved as to Form  
Sheryl Patterson  
5/7/2012 3:50:24 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
4/27/2012 3:07:46 PM

**Approvals/Acknowledgements**

Department Director or Designee: Jim Combs - 5/7/2012 11:39:10 AM

## Description/Analysis

**Issue:** North Natomas Regional Park is an existing 206.75-acre park located at 2501 North Market Drive in the North Natomas Community Plan Area (PA10). Staff is requesting City Council approval to award a contract for the North Natomas Regional Park Phase 4-Sports Field (L19140100) project to develop a sports field complex in the southwestern section of the regional park. The formal bid process for the project has been completed and Hemington Landscape Services, Inc. has been selected as the lowest responsible and responsive bidder.

A summary of the project history, a location map, and the master plan are also included as attachments to this report.

**Policy Considerations:** Sacramento City Code Chapter 3.60 identifies the general guidelines for completing contracts for public projects and procedures for bidding and issuing contracts over \$100,000.

Providing parks and recreation facilities is consistent with the City's strategic plan to enhance livability in Sacramento's neighborhoods by expanding park, recreation, and trail facilities throughout the City.

This is also part of the Park Development Process for park planning as stated in the *2005-2010 Parks and Recreation Master Plan*.

In accordance with Sacramento City Council Resolution No. 2010-346, Hemington Landscape Services, Inc. is headquartered in the state of California. The proposed contract is consistent with Resolution No. 2010-346 prohibiting the City from entering into any contract to purchase goods or services from any business or entity headquartered in Arizona.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** The Environmental Services Manager has determined that adoption of the Mitigated Negative Declaration and Mitigation Reporting Program are appropriate actions under the California Environmental Quality Act (CEQA). The initial study prepared for the project determined that the proposed project is an anticipated subsequent project of the 2030 General Plan Master EIR, that the proposed project is consistent with the 2030 General Plan of use for the project site, that the discussions of cumulative impacts, growth-inducing impacts, and irreversible significant effects in the Master EIR are adequate for the proposed project, and that the proposed project would have additional significant environmental effects not previously examined in the Master EIR. A Mitigated Negative Declaration was prepared and

circulated for public review for a 30-day period from October 28, 2011 to November 28, 2011.

Staff received one comment letter regarding the project during the public review period. The comment is generally related to jurisdictional agency requirements for water quality permits and not issues on the environmental document. The comment letter received is provided in a separate attachment to the staff report. The comment raised does not change the environmental determination made in the initial study and draft mitigated negative declaration.

The initial study/draft mitigated negative declaration for North Natomas Regional Park Ballfield Complex Project is attached as Exhibit A and the Mitigation Reporting Program is attached as Exhibit B.

**Sustainability:** The North Natomas Regional Park Phase 4-Sports Fields project has been reviewed for consistency with the goals, policies, and targets of the Sustainability Master Plan (SMP), the Parks and Recreation Sustainability Plan, and the 2030 General Plan. The project will advance the goals, policies, and targets of these plans by improving the health of residents through access to a diverse mix of wellness activities. The park development is also consistent with sustainable design through the use of recycled steel for the fencing and site furnishings (approximately 40%), the use of water efficient irrigation controlled by the centralized irrigation system, of low water-use shrubs, native plants, 20% less turf, and more naturalized, drought-tolerant plantings to minimize water use, and the use of local vendors.

**Committee/Commission Action:** The North Natomas Regional Park Master Plan was reviewed and supported by the Citizen's Advisory Committee for Parks and Recreation on March 1, 2001, and approved by City Council on March 20, 2001 (Resolution 2001-179). On August 4, 2011, the Parks and Recreation Commission voted to support the North Natomas Regional Park Future Development Plan as recommended by staff.

**Rationale for Recommendation:** The formal bidding process for the North Natomas Regional Park Phase 4 – Sports Fields project was posted in accordance with City Code 3.60 and Administrative Policy Instruction #4002. The project was posted on February 16, 2012, and bids were opened on March 21, 2012. The staff/engineer's estimate for the project was \$3,612,000 (base bid plus four additive alternates). Staff received 11 bids and the results are listed below.

NO.	CONTRACTOR	BASE BID	ADDITIVE ALTERNATES	TOTAL BID	SBE %*
1.	Olympic Land Construction <sup>1</sup>	\$3,139,417	\$337,519	\$3,476,936	NA
2.	Hemington Landscape Services	\$3,486,448	\$266,131	\$3,752,579	79.0
3.	McGuire & Hester <sup>2</sup>	\$3,536,420	\$242,000	\$3,779,420	11.0
4.	Goodland Landscape Construction	\$3,506,333	\$300,400	\$3,806,733	89.3
5.	Bobo Construction	\$3,525,050	\$330,100	\$3,855,150	34.3
6.	Mascon, Inc.	\$3,706,389	\$350,329	\$4,056,718	46.1
7.	Stockbridge General Contracting <sup>4</sup>	\$4,088,100	\$0	\$4,088,100	0.0
8.	Martin General Engineering <sup>3</sup>	\$3,875,743	\$244,300	\$4,120,043	0.0
9.	F & H Construction	\$3,797,993	\$326,650	\$4,124,643	63.1
10.	Robert A. Both man, Inc.	\$3,942,000	\$290,500	\$4,232,500	29.9
11.	Tricon Construction	\$4,586,037	\$445,358	\$5,031,394	71.3

\*SBE % is based on Base Bid Only

The following contractors have been deemed non-responsive:

<sup>1</sup>Olympic Land Construction did not submit required subcontractor listing form FM440.

<sup>2</sup>McGuire & Hester did not include a price for line item #62 and did not meet City's 20% SBE minimum.

<sup>3</sup>Martin General Engineering did not list any dollar amounts for their subcontractors – unable to verify compliance with the 20% SBE minimum participation requirement.

<sup>4</sup>Stockbridge General Contracting did not submit pricing for line items A1-A5 and did not meet City's 20% SBE minimum participation requirement.

The City received two formal bid protests, along with the require bid protest fee, for this project. The bid protests were from Goodland Landscape Construction dated March 27, 2012 and from Olympic Land Construction dated April 2, 2012. The City has reviewed the two bid protests and has determined that they are not valid; the City's response letters to the two bid protests are attached.

This project is consistent with the adopted master plan for this park. The project award will be for the base bid plus four additive alternates in an amount not to exceed \$3,752,579.

The improvements to the park consist of the development of 12.23+ acres of the regional park and include clearing and grubbing, grading and drainage, concrete walkways and curbs, concrete seat wall and retaining walls, children's playgrounds, water play mister area, two baseball fields and one softball field, chain link fencing, group picnic area with metal shade structure, metal shade structures over the dugouts, a mister area, automatic irrigation system with central control, landscaping, parking lot, electrical, security cameras, automatic parking lot gates, park signage, park name sign, site furniture, fire hydrant, and 12" water main line extension in North Market Drive.

Pursuant to City Code Section 3.60.020, it was determined that Hemington Landscape Services, Inc. is a responsible bidder offering the lowest responsive base bid. Construction is expected to begin in May 2012, and be complete by the end of 2012.

**Financial Considerations:** There are sufficient funds in L19140100 to award the contract. Funding for this project is from Community Plan Area 10 Quimby Act, Fund 2508, (\$1,568,000) and Park Development Impact Fees (PIF), Fund 3204, (\$3,920,000) to construct the proposed Phase 4 improvements. With completion of Phase 4 as described above, the City will have exhausted the Quimby/PIF funds it can use at the Regional Park for development of community/neighborhood serving park acres, and will have to secure funding for future park development from other sources.

North Natomas Regional Park is within the Neighborhood Park Maintenance Community Facilities District (CFD) which was established to reduce reliance on the General Fund for park maintenance and to preserve the level of maintenance in the parks system. The CFD pays for a portion of the maintenance costs for neighborhood parks. The amount of funding in the CFD depends upon the year the homes in that neighborhood were built and annexed to the CFD; maintenance of parks built before 2002 and all community parks, regional parks, open space, trails and buffer areas are not covered by the CFD.

Development of parks creates an ongoing cost for park maintenance and utilities are based on the size of the park. The annual maintenance cost for these additional 12.23+ acres of park development is approximately \$5,300 per acre or \$64,819±. There has been no augmentation to the Department of Parks and Recreation's operating budget for maintenance or water and utility costs. To improve support for maintenance, the City will pursue entering into a Primary User Agreement with Natomas Little League so that the majority of management and maintenance responsibilities for the three fields will be taken on by this non-profit organization serving North Natomas youth.

**Emerging Small Business Development (ESBD):** The selection of contractors for this project followed City established guidelines for inclusion of ESBD firms. At an SBE/EBE percentage total of 79.0%, Hemington Landscape Services, Inc. and its subcontractors

participation will exceed the City's required 20% ESBD rate. The SBE percentage is based on the base bid only.

## Background

The North Natomas Regional Park is a 206.75-acre site located at 4989 Natomas Boulevard in the North Natomas Community Plan Area (PA10). The North Natomas Regional Park Master Plan was reviewed and supported by the Citizen's Advisory Committee for Parks and Recreation on March 1, 2001, and approved by City Council on March 20, 2001 (Resolution 2001-179). On August 4, 2011, the Parks and Recreation Commission voted to support the North Natomas Regional Park Future Development Plan as recommended by staff. The park master plan can be found at the following website:

[www.cityofsacramento.org/parksandrecreation/parks/sites/pdf/n-natomas-reg-park-mp.pdf](http://www.cityofsacramento.org/parksandrecreation/parks/sites/pdf/n-natomas-reg-park-mp.pdf).

On May 8, 2007, the City Council approved a construction contract (Resolution 2007-263) for Phase 1 improvements to develop a pedestrian/bike trail from the northern portion of the park (near North Park Drive) to the southern portion (near New Market Drive) by Inderkum High School. This project also included basic landscaping, an extended sidewalk along North Park Drive, and a bridge that spans the City Utilities' drainage canal. The trail connects residential neighborhoods to the north and west of the regional park to the various joint-use recreational facilities at Inderkum High School.

On February 26, 2008, City Council awarded a construction contract (Resolution 2008-107) for Phase 2 improvements to develop new sidewalks along North Park Drive and New Market Drive, a pedestrian connector from the southern end of Broadwater Drive directly east to the bike trail, a new mid-block crosswalk on North Park Drive at Bessemer Court, and landscaping along all aforementioned portions and along Phase 1 construction areas (a pedestrian/bike trail from the northern portion of the park (near North Park Drive) to the southern portion (near New Market Drive by Inderkum High School)). This project also included an extended sidewalk along North Park Drive.

On December 9, 2008, City Council awarded a construction contract (Resolution 2008 - 800) for Phase 3 improvements to develop a dog park in the southwestern section of the Park. The dog park was completed in summer 2009. With completion of the dog park, approximately 12 acres of NNRP are developed.

As part of the North Natomas Regional Park Development Process, community meetings have been held to solicit ideas for additions and improvements to the park. Since 1997, there have been seven community meetings that were facilitated by the Council Member's office and Department of Parks and Recreation (DPR) staff. These meetings were held on: December 8, 2007, February 19, 2009, June 15, 2009, November 4, 2009, June 15, 2010, August 19, 2012 and May 22, 2011.

Additionally, the Friends of the Regional Park conducted an online survey of the North Natomas Community in summer 2009, the results of which indicated that the community's priorities for the next improvements to the Park should include: sports fields, Farmer's Market,

trees and landscaping, bike paths and walkways, a plaza and outdoor concert area. The development plan for the project described herein directly implements these priorities. The fields provided in this project are for youth baseball only, with the idea that North Natomas Little League will be a primary user of these facilities. More information can be found at the Friends of the North Natomas Regional Park website:

<http://www.northnatomasregionalparkfriends.org/>

Quimby In Lieu and Park Development Impact Fees funding is available to construct the Phase 4 improvements identified in the blue areas on the Phasing Plan in Attachment C (approximately 12.23 acres) including:

- Three ball fields including one 200' Little League field, one 200' youth softball field, and one 300' adult softball field.
- All ball fields will include bleachers, a scorer's table, bullpens and shade structures over the dugouts.
- An entry plaza with enhanced paving, seating, and unique entry monument signage to provide a sense of arrival.
- New walking paths to connect new ball fields and parking to the existing dog park and bike trail.
- A central plaza consisting of enhanced paving, large shade trees, and informal picnic area to accommodate approximately 75 people.
- A group picnic area covered with a metal roof structure to accommodate approximately 50 people with picnic tables and large group barbeque.
- A baseball themed adventure playground with adjacent interactive low-volume water mister area.
- A parking lot with (164) parking spaces with accessible parking spaces.
- Automatic parking lot gates will be provided at entry to secure park during non-operational hours.
- Trees plantings designed to provide 50 percent shading of parking lot with in 15 years per City of Sacramento Parking Lot Guidelines.
- Bio-swales consisting of river rock and vegetation will be designed to filter surface runoff from the parking lot and remove silt and pollution before releasing it to the watershed or storm sewer.
- Trees, shrubs and groundcovers which shall be native or low water use plants.
- Electrical conduits and pull boxes for future lighting to take place in phase 5.

Construction of phase 4 improvements is anticipated to begin in May late 2012, and to be complete by year-end 2012, and opened to the public for use in spring 2013.

The following items are not included in Phase 4 improvements, and are planned for a future phase (see green areas on the Phasing Plan in Attachment C):

- Entry Monument Signage
- Amphitheater stage and shade structure
- Farmer's Market Area
- Parking Lot lighting
- Site Pathway Lighting
- Ball Field Lighting for all fields
- Restroom/Concession Stand to be located in the central plaza.
- Scoreboards
- Two Additional Ball Fields: 200' Little League Field and 200' Youth Softball Field

DPR staff applied for a Proposition 84 Park Development and Community Revitalization Grant for the unfunded portion of the Park Development for Phase 5 improvements identified in the green areas on the Phasing Plan (approximately 12.23 acres), but has recently learned that the City of Sacramento will not be awarded this grant.



DEPARTMENT OF  
PARKS AND RECREATION

CITY OF SACRAMENTO  
CALIFORNIA

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PARKS ADMINISTRATION  
Park Planning and Development Services

PH 916-808-5200  
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April 13, 2012

Dena Wortham  
President  
Goodland Landscape Construction, Inc.  
2455 N. Naglee Road # 402  
Tracy CA 95304-7324

RE: North Natomas Regional Park Phase 4; Bid Protest

Dear Ms. Wortham:

Goodland Landscape Construction, Inc. (Goodland) submitted a letter dated March 27, 2012, along with the required bid protest fee, with regard to my preliminary determination that the lowest responsive bidder for the North Natomas Regional Park Phase 4 project was Hemington Landscape Services, Inc. (Hemington). Olympic Land-Construction submitted the lowest total bid price, but its bid was determined to be non-responsive for failure to include the required subcontractor listing form. Although at the time of your letter the City of Sacramento (City) has not yet issued its written determination regarding the lowest responsible and responsive bidder for this bid solicitation, the City will nonetheless accept your early bid protest. On April 10, 2012 the City issued the Bid Summary Analysis and Notification of Award Recommendation.

Your protest claims that:

1. Hemington's bid was nonresponsive because: (i) its subcontractor Creekmore Recreation Specialist, Inc. (Creekmore) was unlicensed at the time of bid opening; and (ii) Hemington's ESBE participation form included an error because for Creekmore it included the value of the Base Bid amount plus the Bid Additive Alternate figures.
2. Hemington is not a responsible contractor because: (i) it did not meet the minimum qualifications requirement for constructing similar size and type of park projects within last 3 years; (ii) its subcontractor Creekmore is not qualified to install the Water Play System because its bid for this work was too low, and provided Hemington with an unfair competitive advantage; and (iii) Creekmore was not certified by manufacturer to install the Play Structure at the time of the bid opening.

### Creekmore Licensing

It is true that Creekmore's state contractor's license was suspended at the time of bid opening and perhaps also at the time they submitted a bid to Hemington. Apparently they did not file a current workers compensation insurance certificate, so their license was suspended. They submitted that insurance certificate once they became aware that their license had been suspended, and as of March 27, 2012 it was current and active. Provided as Attachment 1 is a copy of Creekmore's insurance and current license status.

However, Creekmore was not restricted from submitting a bid to Hemington, nor was Hemington restricted in submitting a bid that listed Creekmore as a subcontractor, even though its contractor's licenses had been suspended. In the case of *D.H. Williams Construction Inc. v. Clovis Unified School District* (146 Cal. App. 4<sup>th</sup> 757, 2007) with a similar fact pattern, the court concluded that (i) listing of an unlicensed subcontractor in a bid does not render the prime contractor's bid nonresponsive, (ii) there is no statutory requirement that subcontractors must be licensed at time of bid opening, (iii) nor is there a statutory requirement that subcontractors must be licensed to submit a bid to a prime contractor. The prohibition is that a subcontractor can't perform the work without having a contractor's license. The court noted that there are options in the event that the subcontractor can't get a license prior to performing the work, such as having the prime contractor perform that work or substituting another subcontractor which is licensed. Provided as Attachment 2 is an excerpt of this case for your review.

### ESBE Form

Under City Code Section 3.60.270, the City requires each bidder to use emerging and small business enterprises (ESBE) as subcontractors on City's construction projects. The minimum ESBE participation level for this project was set at 20%. Hemington's bid package included the form titled "City of Sacramento Subcontractor and ESBE Participation Verification." Under this form for Hemington, Creekmore was listed as performing \$64,250 of work under the categories of "Site accessories/Play equipment/Water Feature Install."

Goodland submitted two bid pricing forms from Creekmore dated March 14, 2012 with its protest letter, one with the same amount of \$64,250 and the other with the amount of \$63,550 to reflect the elimination of certain small items of work. We have no verification from Hemington that its subcontractor bid form received from Creekmore was the same as what Creekmore apparently submitted to Goodland.

However, after contacting Hemington after this bid protest was received, they did acknowledge that they had included the Additive Alternate Bid Item pricing for the shade structure installations under Creekmore's total price of \$64,250 in error in preparing the ESBE form. However, Hemington nonetheless met the 20% ESBE requirement because Hemington is a certified SBE.

An overestimate of the amount of the subcontractor's cost would not violate the subcontractor listing requirement under Section 4104 of the Public Contract Code, which only requires the "... name and location of the place of business of each subcontractor who will perform work or labor to render a service to the prime contractor ... in an amount in excess of one-half of 1 percent of the prime contractor's total

bid ...” The actual subcontractor bid amount is not required under state law to be included with the bid submittal; the City requests that information for the purposes of evaluating compliance with the minimum ESBE participation requirement.

So this error in overstating the amount of Creekmore’s base bid subcontract was inconsequential and the type of minor error that can be waived by the City in light of the fact that the Hemington did meet the ESBE requirement.

#### Hemington’s Qualifications

The bid requirements included submittal of a “Project Qualifications/Experience Sheet” to include a listing of park projects of a similar size and scope that had been completed by the bidder within the last three years. This information is considered along with the minimum Qualifications Questionnaire to determine whether a bidder is responsible or qualified to undertake the work. Hemington’s form listed three projects, but only two were listed as being completed within the prior three year period (i.e., 2009-2011). Hemington has since provided information to show that it was performing work on the Promontory Community Park Project in 2008, not 2007 as listed on the form, and claims warranty work continued through 2010. However, the bid specification did not require a certain number of prior projects be listed; although the form provided space to list three projects. Rather, the requirement was for prior projects of similar size and scope to the project as described in the bid specifications. Also, the City uses calendar years, and does not measure a year by the precise date of the bid submittal, since bid due dates are typically extended during the bidding process.

The size of the park projects listed by Hemington Landscape Services were larger than the North Natomas Regional Park Phase 4 project. Of the 20 items of work listed on the form, the only item not checked for the two prior park projects completed by Hemington within the last three years was “lighting.” Therefore these two prior park projects demonstrate that Hemington has documented projects of similar size and scope.

Goodland’s protest letter claims that the Michael Faklis Park was completed in 2008, not 2009, so it should not be considered as a prior recent project. However, Goodland’s letter states that the Notice of Completion was filed by the City of Stockton in February of 2009.<sup>1</sup> The filing of a notice of completion is the proper date to determine when a construction work for a project was completed, since that is the date when the work was accepted by a public agency and when the period for filing stop notices as a claim against retention is to occur. While there may have been some delay in completing the work or completing punch list items, a project is not substantially complete until the work is accepted by the public agency. Therefore, using the notice of completion filing date is proper and this park project was completed within the specified three calendar year period.

For all of the foregoing reasons, Hemington meets the bid specification qualification requirements.

#### Creekmore Qualifications and Hemington’s Bid Pricing

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<sup>1</sup> Hemington claims it can show that its work at this park continued through July 2009.

Goodland claims that Hemington's subcontractor, Creekmore, is not qualified to install the Water Play System because its bid for this work was too low. Hemington's Bid Item No. 62 for "Mister Play Area to Construct" was \$45,000. Goodland relies on the sub-bid Creekmore may have submitted to Goodland to show that Creekmore assumed installation was only \$19,500 versus Playground Unlimited sub-bid for this item of work was \$38,700. Assuming that these two subcontractors offered a bid for the same scope of work, because one contractor offers a lower price than another contractor does not prove that the cheaper subcontractor was not qualified. Many contractors are anxious for work and may offer prices that do not include their profit and overhead costs, and there is no legal restriction on a contractor submitting a bid that is less than the actual cost for that contractor to perform the work.

Hemington has provided documentation from Creekmore to show that it has experience installing the Water Odyssey equipment for a similar park project in 2010. See Attachment 3.

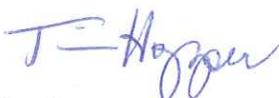
Goodland also claims that Hemington's total bid price for Bid Item 62 provided it with an unfair economic advantage because it was significantly lower than other bidders' prices for that same item. All of the bidders have differing prices for each bid item for various reasons, but the total bid price of Hemington is higher than the low bidder Olympic Land-Construction and is not substantially lower than Goodland's bid.

Goodland also claims that since Creekmore was not certified by manufacturer to install the Play Structure at the time of the bid opening, it was not a qualified subcontractor. The bid specifications did not require submittal of a manufacturer's certification with the bid documents. As long as Creekmore is qualified to install the Play Structure, and the manufacturer will certify its installation as meeting the manufacturer's requirements, Creekmore can perform the work. It is not unusual for a contractor to be "certified" by a manufacture during installation when the manufacturer's representative is on-site during installation to supervise the work and provide the owner with the "after the fact" certification that the equipment was installed properly.

After inquiry by the City as a result of this bid protest, Creekmore did submit information to show that it had installed this same type of play equipment at various park projects over the past four years (see Attachment 3). Also, the manufacturer's representative for both the Water Play System and the Play Structure, All About Play, submitted a letter indicating that Creekmore was experienced in installing both items of equipment (see Attachment 4).

In summary, there is no basis to reject Hemington's bid as non-responsive or to reject Hemington and its subcontractor as not qualified to perform the project work. If you have any further questions, you can reach me at 916-808-8173 or [thopper@cityofsacramento.org](mailto:thopper@cityofsacramento.org)

Sincerely,



Tim Hopper  
Administrative Officer  
Department of Parks and Recreation

Dena Wortham  
RE: *North Natomas Regional Park Phase 4; Bid Protest*  
April 13, 2012  
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Attachments

c: Sheryl Patterson, Senior Deputy City Attorney



DEPARTMENT OF  
PARKS AND RECREATION

PARKS ADMINISTRATION  
Park Planning and Development Services

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April 12, 2012

Mr. Pantelis Kallergis  
Olympic Land-Construction  
2442 North Avenue  
Sacramento CA 95838

RE: North Natomas Regional Park Phase 4; Bid Protest

Dear Mr. Kallergis:

Olympic Land-Construction (Olympic) submitted a signed letter to me dated April 2, 2012, along with the required bid protest fee, with regard to my preliminary determination that its bid for the North Natomas Regional Park Phase 4 project was non-responsive. Although at that time the City of Sacramento (City) has not yet issued its written determination regarding the lowest responsible and responsive bidder for this bid solicitation, the City will nonetheless accept your early bid protest with regard to whether or not Olympic's bid was responsive. The City issued the Bid Summary Analysis and Notification of Award Recommendation on April 10, 2012.

Eleven bids for this project were received in the City Clerk's office by the published bid due date and time. The City Clerk staff opened the bids for this project at the public meeting held on Wednesday, March 21, 2012 at 2 pm in the hearing room in Historic City Hall located at 915 I Street.

At the time of the bid opening, the City Clerk's staff announced Olympic's bid as a "no bid" because there was no total bid price listed on Olympic's bid sheet. Since Olympic's bid did include a total price for each bid item, the bid sheet was not incomplete. After conferring with City procurement staff and the City Attorney's office, it was determined that it would be proper for me, as the Contract Administrative Officer for the project, to add up each bid item total to determine Olympic's total bid price of \$3,139,417. Olympic concurred with this total bid price calculation by initialing the original bid sheet as corrected on March 23, 2012.

However, upon further examination of Olympic's bid documents, the form titled "City of Sacramento Subcontractor and ESBE Participation Verification" was missing from Olympic's bid package. I examined all of Olympic's original bid documents and I compared the original documents with the electronic copy of the bids as scanned by the City Clerk's staff immediately after all of the bids were opened and this subcontractor form was missing from Olympic's bid packet. This form was in the bid specification issued for this project. This form includes the following statement:

"To be eligible for award of this contract, the bidder shall list any business entity used to attain the ESBE goal. Additionally, all other subcontractors who perform work, labor, or render service in an amount in excess of one-half of 1 percent of the total bid amount shall be listed. .... The inclusion of false information or the omission of required information will render the bid non-responsive. ... " (emphasis added)

Under City Code Section 3.60.270, the City requires each bidder to use emerging and small business enterprises (ESBE) as subcontractors on City's construction projects. The minimum ESBE participation level for this project was set at 20%. Without submitting the ESBE participation information with Olympic's bid, there is no evidence that

Olympic met this requirement. Although the certification for the ESBE firms may be submitted within two days after the bid opening, the names of such firms, the work they are to perform, and the estimated dollar value of their work must be submitted with the bid. Therefore, Olympic's bid is non-responsive for failure to meet the mandatory 20% ESBE participation level.

The same mandatory requirement to list the subcontractors who will be performing work on the project also must be submitted with the bid under State's public work laws. Section 4104 of the Public Contract Code states that:

“... any person making a bid or offer to perform the work, shall, in his or her bid or offer set forth: (a)(1) the name and location of the place of business of each subcontractor who will perform work or labor to render a service to the prime contractor ... in an amount in excess of one-half of 1 percent of the prime contractor's total bid ...” (emphasis added).

Section 4109 of the Public Contract Code limits the ability of a prime contractor to later subcontract a portion of the work where no subcontractor was listed in the bid documents, by requiring the awarding authority to make findings and setting forth the facts of a public emergency or necessity to allow for such post bid opening subcontracting. No such findings can be made in this case for this project.

Under Section 4101 of the Public Contract Code, the Legislature set forth findings that the intent of the law, to require a subcontractor listing be submitted with the bid, was to prevent “bid shopping” where a prime contractor, after it was deemed the low bidder, could pressure its subcontractors to lower their bids or else lose that subcontract work. The statutory requirements to (i) state the subcontractor's name, place of business, the type of work, and the sub-bid amount with the bid package to be opened publicly; (ii) to obtain the contracting agency's consent to later substitute subcontractors; and (iii) to authorize the contracting agency to impose fines against the prime contractor for violation of these requirements; along with the state's right to revoke the prime contractor's license for such violations, was to prevent subcontractor bid shopping.

While a bidder can provide the same information using its own form, Olympic's bid package did not include any information regarding the subcontractors that Olympic intended to use for this project. Even though, after the bid opening, Olympic submitted a subcontractor form and claims it can provide documentation to prove that it had reached agreement with those subcontractors to perform work and can verify the amount of their sub-bids which Olympic received before the bid opening, State law does not allow consideration of such information submitted after the bid opening.

Olympic's letter asserts that a completed subcontractor form was included with its bid package and that the City staff must have misplaced the form. Enclosed please find a declaration from Velva Edwards, Deputy City Clerk, with regard to the chain of control of the bid documents, from acceptance of bids to bid opening, scanning of the bid documents, and delivery of the original bid documents to the contract officer. There is no basis to claim that Olympic's subcontractor form was misplaced. If that form was inadvertently filed with another bid package, it would have been discovered by now. The City Clerk's staff would never discard a bid form. Therefore, the City is confident that Olympic's bid package did not include the required subcontractor form. This failure to include the required subcontractor form is not a minor irregularity or omission that can be waived for the reasons set forth above.

Although Olympic's bid price is apparently the lowest total price offered for this construction project, the City cannot simply accept Olympic's non-responsive bid as being in the best interests of the City. Rather, the City Council would have to reject all bids for this project and then decide whether to reissue the solicitation. Most bidders find that requiring a second bid submittal after all of the bidders' prices have been revealed in an attempt to sway the results to favor a local contractor is unfair. Although the City may have to pay a higher price for the project by accepting the second lowest bid, maintaining the integrity of the bidding process is paramount.

If you have any further questions, you can reach me at 916-808-8173 or [thopper@cityofsacramento.org](mailto:thopper@cityofsacramento.org)

Sincerely,

A handwritten signature in blue ink, appearing to be 'TH', with a long horizontal stroke extending to the right.

Tim Hopper  
Administrative Officer  
Department of Parks and Recreation

Enclosure – Declaration of Velva Edwards, Deputy City Clerk

c: Sheryl Patterson, Senior Deputy City Attorney



**California Regional Water Quality Control Board  
Central Valley Region  
Katherine Hart, Chair**



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114  
(916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

**Edmund G. Brown Jr.**  
Governor

18 November 2011



Dana Allen, Associate Planner  
City of Sacramento  
300 Richards Boulevard  
Sacramento, CA 95811

CERTIFIED MAIL  
7010 1670 0002 0652 8687

**COMMENTS TO DRAFT MITIGATED NEGATIVE DECLARATION, NORTH NATOMAS REGIONAL PARK BALLFIELD COMPLEX PROJECT , SCH NO. 2011102055, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 28 October 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Mitigated Negative Declaration* for the North Natomas Regional Park Ballfield Complex Project located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

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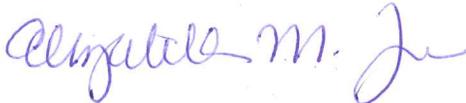
<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).

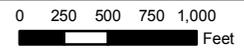


*for* Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



N. Natomas Regional Park  
 City Limits



### REGIONAL PARK LEGEND

- 1. Dog Park
- 2. Great Meadow (temp. Cricket field)
- 3. Great Mall
- 4. Sports Complex (soccer & little league)
- 5. Nature Area with boardwalk
- 6. Boathouse Cafe
- 7. Outdoor Concert Area
- 8. Cultural Center
- 9. Conservatory
- 10. Botanic Gardens Pond
- 11. Park Administration Center
- 12. Gardens Conference Center
- 13. Festival/Farmer's Market
- 14. Skateboard Park
- 15. Family Center (with kid's park)
- 16. Aquatic Center
- 17. Park Operations Corp. Yard

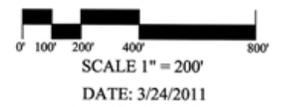
-  Community Center
-  Regional Park Parcel Boundary
-  Town Center Parcel Boundary



Original Master Plan Adopted March 20, 2001  
 Master Plan Update June 6, 2007

# NORTH NATOMAS REGIONAL PARK - MASTER PLAN

CITY OF SACRAMENTO  
 DEPARTMENT OF PARKS AND RECREATION

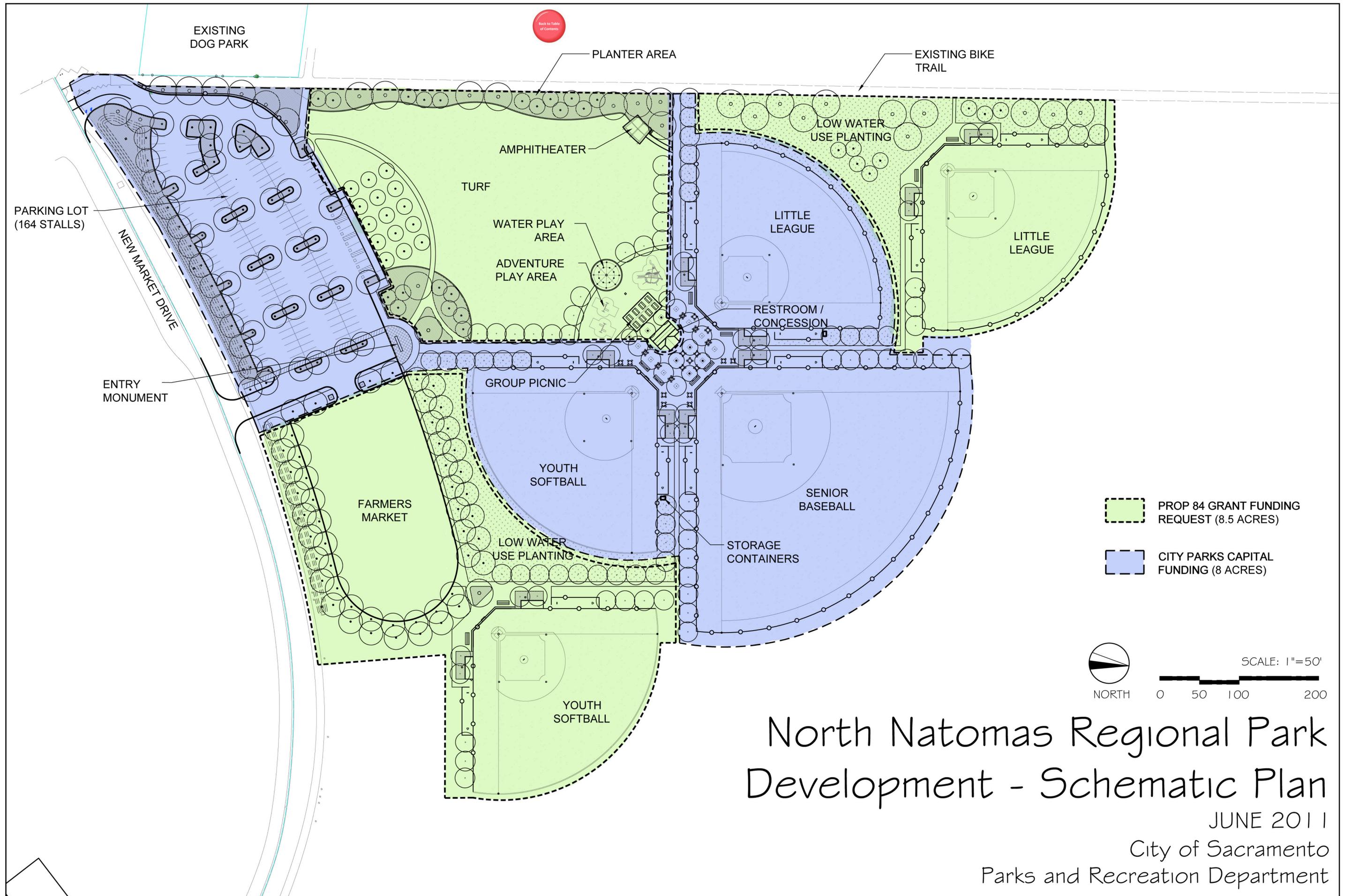




# North Natomas Regional Park Development - Schematic Plan

JUNE 2011

City of Sacramento  
Parks and Recreation Department



# North Natomas Regional Park Development - Schematic Plan

JUNE 2011

City of Sacramento  
Parks and Recreation Department



## RESOLUTION NO. 2012 –

Adopted by the Sacramento City Council

### **ADOPTING THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION REPORTING PROGRAM (MRP) FOR NORTH NATOMAS REGIONAL PARK PHASE 4-SPORTS FIELD (REFERRED TO IN THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AS THE “NORTH NATOMAS REGIONAL PARK BALLFIELD COMPLEX”) (L19140100)**

#### **BACKGROUND**

- A. North Natomas Regional Park is an existing 206.75-acre park located at 2501 North Market Drive in the North Natomas Community Plan Area (PA10).
- B. The Environmental Services Manager has determined that adoption of the Mitigated Negative Declaration and Mitigation Reporting Program are appropriate actions under the California Environmental Quality Act (CEQA). The initial study prepared for the project determined that the proposed project is an anticipated subsequent project of the 2030 General Plan Master EIR, that the proposed project is consistent with the 2030 General Plan of use for the project site, that the discussions of cumulative impacts, growth-inducing impacts, and irreversible significant effects in the Master EIR are adequate for the proposed project, and that the proposed project would have additional significant environmental effects not previously examined in the Master EIR. A Mitigated Negative Declaration was prepared and circulated for public review for a 30-day period from October 28, 2011 to November 28, 2011. Staff received one comment letter regarding the project during the public review period. The comment is generally related to jurisdictional agency requirements for water quality permits and not issues on the environmental document. The comment letter received is provided in a separate attachment to the staff report. The comment raised does not change the environmental determination made in the initial study and draft mitigated negative declaration.

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

- Section 1: The Mitigated Negative Declaration (MND), attached as Exhibit A, and the Mitigation Reporting Program (MRP), attached as Exhibit B, for the North Natomas Regional Park Phase 4-Sports Fields (L19140100) are approved and are part of this resolution.

**Table of Contents:**

Exhibit A – Mitigated Negative Declaration

Exhibit B – Mitigation Reporting Program



COMMUNITY DEVELOPMENT  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

300 Richards Boulevard  
Third Floor  
Sacramento, CA 95811

ENVIRONMENTAL PLANNING  
SERVICES

**MITIGATED NEGATIVE DECLARATION**

The City of Sacramento, California, a municipal corporation, does hereby prepare, declare, and publish this Mitigated Negative Declaration for the following described project:

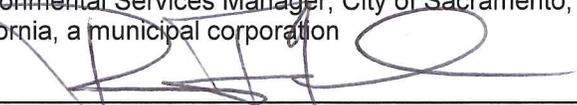
**North Natomas Regional Park Ballfield Complex (L19140100)**- The project site is located at 2700 North Park Drive, Sacramento, California and is north of New Market Drive, south of North Park Drive, east of Town Center Drive, and west of Natomas Boulevard. Improvements include (1) 200' Little League field; (1) 200' youth softball field; and (1) 300' adult softball field with lighted field. All ball fields include bleachers, scorer's table, bullpens and shade structures over the dugouts. The Complex includes: Entry plaza with enhanced paving, seating and unique entry monument signage will provide a sense of arrival; New walking paths to connect new ball fields and parking to the existing dog park and bike trail; A central plaza consisting of enhanced paving, large shade trees, and informal picnic area to accommodate approximately 75 people; A group picnic area covered with metal roof structure to accommodate approximately 50 people with picnic tables and large group barbeque; A themed adventure playground; Interactive water mister area with seating; A parking lot with (148) parking spaces with an additional (5) accessible parking spaces and (1) van accessible stall; Automatic parking lot gates at entry to secure park during non-operational hours; Solar lighting to illuminate parking lot; Trees plantings designed to provide 50 percent shading of parking lot within 15 years ;Bio-swaales consisting of river rock and vegetation will be designed to filter surface runoff from the parking lot and remove silt and pollution before releasing it to the watershed or storm sewer. All trees, shrubs and groundcovers shall be native or low water use plants.

The Lead Agency is the City of Sacramento. The City of Sacramento, Community Development Department, has reviewed the proposed project and, on the basis of the whole record before it, has determined that there is no substantial evidence that the project, with mitigation measures as identified in the attached Initial Study, will have a significant effect on the environment. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. An Environmental Impact Report is not required.

This Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Sections 15000 et seq. of the California Code of Regulations), the Sacramento Local Environmental Regulations (Resolution 91-892), and the Sacramento City Code.

A copy of this document and all supportive documentation may be reviewed or obtained at the City of Sacramento, Community Development Department, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811 from 9:00 a.m. to 4:00 p.m. (or 8:00 a.m. to 5:00 p.m. with prior arrangement).

Environmental Services Manager, City of Sacramento,  
California, a municipal corporation

By: 

Date: 10/21/11

**NORTH NATOMAS REGIONAL PARK  
BALLFIELD COMPLEX  
(L19140100)**

**INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR  
ANTICIPATED SUBSEQUENT PROJECTS UNDER THE 2030 GENERAL PLAN MASTER EIR**

This Initial Study has been prepared by the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento, CA 95811, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*), CEQA Guidelines (Title 14, Section 15000 *et seq.* of the California Code of Regulations) and the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

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**ORGANIZATION OF THE INITIAL STUDY**

This Initial Study is organized into the following sections:

**SECTION I - BACKGROUND:** Provides summary background information about the project name, location, sponsor, and the date this Initial Study was completed.

**SECTION II - PROJECT DESCRIPTION:** Includes a detailed description of the proposed project.

**SECTION III - ENVIRONMENTAL CHECKLIST AND DISCUSSION:** Reviews proposed project and states whether the project would have additional significant environmental effects (project-specific effects) that were not evaluated in the Master EIR for the 2030 General Plan.

**SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** Identifies which environmental factors were determined to have additional significant environmental effects.

**SECTION V - DETERMINATION:** States whether environmental effects associated with development of the proposed project are significant, and what, if any, added environmental documentation may be required.

**REFERENCES CITED:** Identifies source materials that have been consulted in the preparation of the Initial Study.

## SECTION I - BACKGROUND

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Project Name and File Number: North Natomas Regional Park Ballfield Complex (L19140100)

Project Location: The project site is located at 2700 North Park Drive, Sacramento, California and is north of New Market Drive, south of North Park Drive, east of Town Center Drive, and west of Natomas Boulevard (Exhibit 1). The APN for the project site is 225-0040-090-0000.

Project Applicant: Dennis Day, Associate Landscape Architect  
Department of Parks and Recreation  
City of Sacramento  
915 I Street, 5th Floor  
Sacramento, CA 95813  
(916) 808-7633

Environmental Planner: Dana Allen, Associate Planner  
Community Development Department  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811  
(916) 808-2762

Date Initial Study Completed: October 21, 2011

This Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 1500 *et seq.*). The Lead Agency is the City of Sacramento.

The City of Sacramento, Community Development Department, has reviewed the proposed project and, on the basis of the whole record before it, has determined that the proposed project is an anticipated subsequent project identified and described in the 2030 General Plan Master EIR and is consistent with the land use designation and the permissible densities and intensities of use for the project site as set forth in the 2030 General Plan. See CEQA Guidelines Section 15176 (b) and (d).

The City has prepared the attached Initial Study to (a) review the discussions of cumulative impacts, growth inducing impacts, and irreversible significant effects in the 2030 General Plan Master EIR to determine their adequacy for the project (see CEQA Guidelines Section 15178(b),(c)) and (b) identify any potential new or additional project-specific significant environmental effects that were not analyzed in the Master EIR and any mitigation measures or alternatives that may avoid or mitigate the identified effects to a level of insignificance, if any.

As part of the Master EIR process, the City is required to incorporate all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR (CEQA Guidelines Section 15177(d)). The Master EIR mitigation measures that are identified as appropriate are set forth in the applicable technical sections below.

This analysis incorporates by reference the general discussion portions of the 2030 General Plan Master EIR. (CEQA Guidelines Section 15150(a)). The Master EIR is available for public review at the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento, CA 95811, and on the City's web site at: [www.cityofsacramento.org/dsd/planning/environmental-review/eirs/](http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/).

The City is soliciting views of interested persons and agencies on the content of the environmental information presented in this document. Due to the time limits mandated by state law, your response must be sent at the earliest possible date, but no later than the 30-day review period ending November 29, 2011.

Please send written responses to:

Dana Allen, Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Blvd, 3<sup>rd</sup> Floor  
Sacramento, CA 95811  
dallen@cityofsacramento.org

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## SECTION II - PROJECT DESCRIPTION

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### PROJECT LOCATION

The project site is located at 2700 North Park Drive, Sacramento, California and is north of New Market Drive, south of North Park Drive, east of Town Center Drive, and west of Natomas Boulevard (Exhibit 1). The APN for the project site is 225-0040-090-0000.

### PROJECT DESCRIPTION

Ball Field Complex includes community park elements and Farmer's Market to establish a multi-purpose recreation center for the North Natomas area. The 16.5 acre site is located directly across from Inderkum High School; bounded by New Market Dr. to the south, existing Bike Trail and Dog Park to the west, undeveloped parkland to the north and east. The Ballfield Complex will be developed in two phases as funding is made available.

#### Phase One

- 3-Ball Fields: 200' little league field, 200' youth softball field, and 300' adult softball field; bleachers, scorer's table, bullpens and shade structures over the dugouts
- Entry Plaza with enhanced paving, seating and unique entry monument signage will provide a sense of arrival
- Walkways provide a safe and unified connection from parking to the ball field and existing dog park and bike trail
- Central Plaza raised 30 inches above the infields consist of enhanced paving, large shade trees, and informal picnic area for 75
- Group Picnic Area with metal roof structure for 50, with picnic tables and large group grill
- Adventure Area sports themed playground
- Water Play Area with seating
- Parking Lot: 164 spaces
  - Automatic Parking Gates to secure parking lot during non-operational hours.
  - Solar Lights to illuminate parking lot
  - Bio-Swale with river rock and vegetation to filter the parking lot runoff before entering storm drain
- Landscape:
  - tree plantings will provide shade in the parking lot, central plaza, and along the walkways
  - low water-use and low maintenance shrubs and groundcover with seasonal interest with color
- Utilities: for future lighting, restroom and Phase 2 improvements

#### Phase Two

8.5 acres with the following elements:

- 2 Ball Fields: 200' little league and 200' youth softball
- Ball Field lighting provided for all five fields
- Site lighting provide safe and well lighted pathways

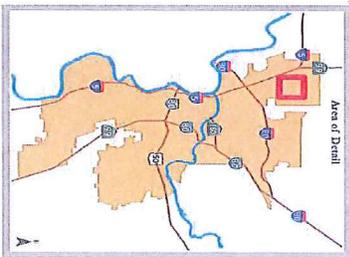
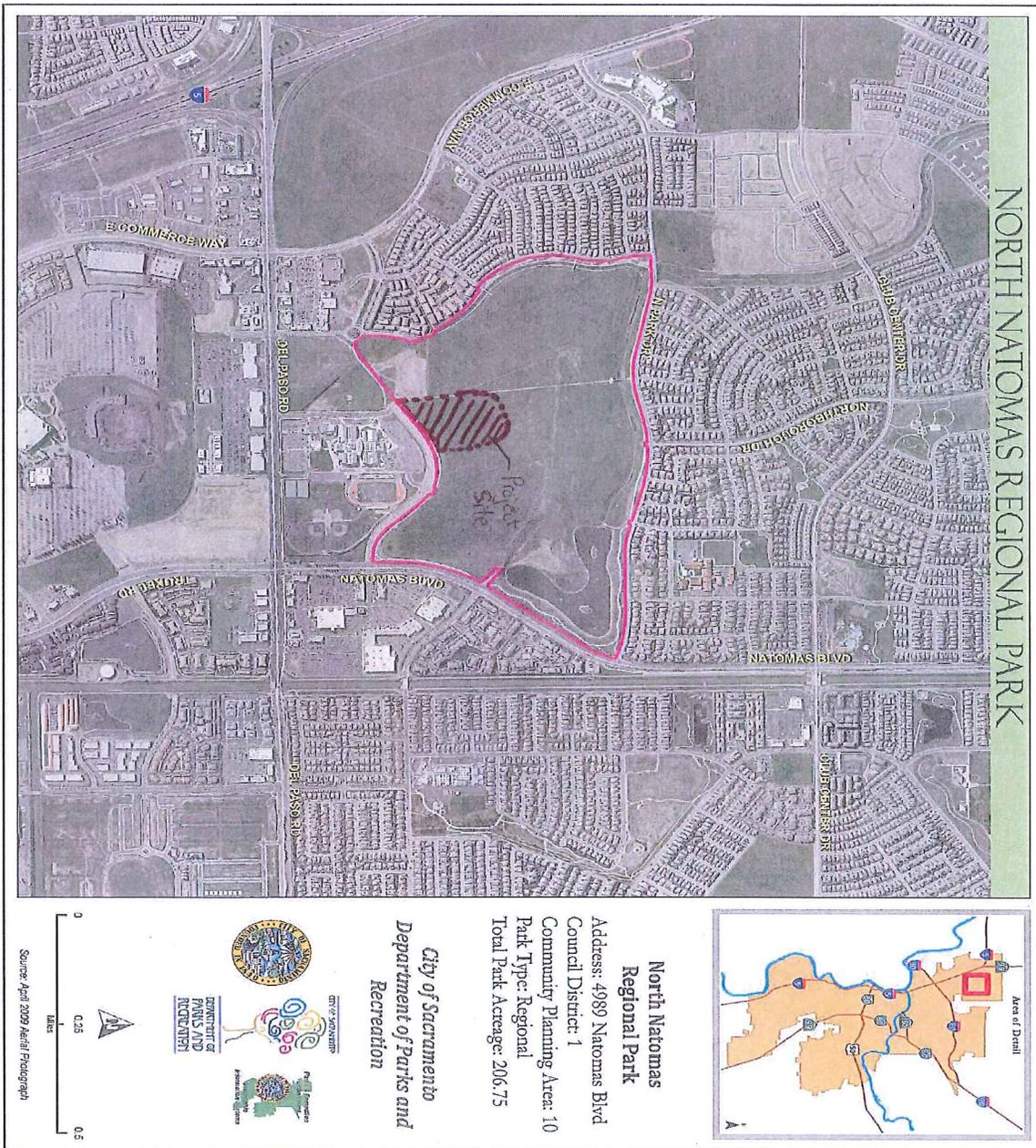
- Restroom/ Concession Stand located in the central plaza
- Farmer's Market:
  - entry monument accessible from the parking lot, surrounded by a tree grove
  - surface will be resin stabilization soil provide a suitable natural driving and walking surface
  - water and electrical outlets for food vendors
- Amphitheater with turf for informal seating

### **Attachments**

Attachment 1 – URBEMIS Report

Attachment 2 – Biological Resources Report

EXHIBIT 1



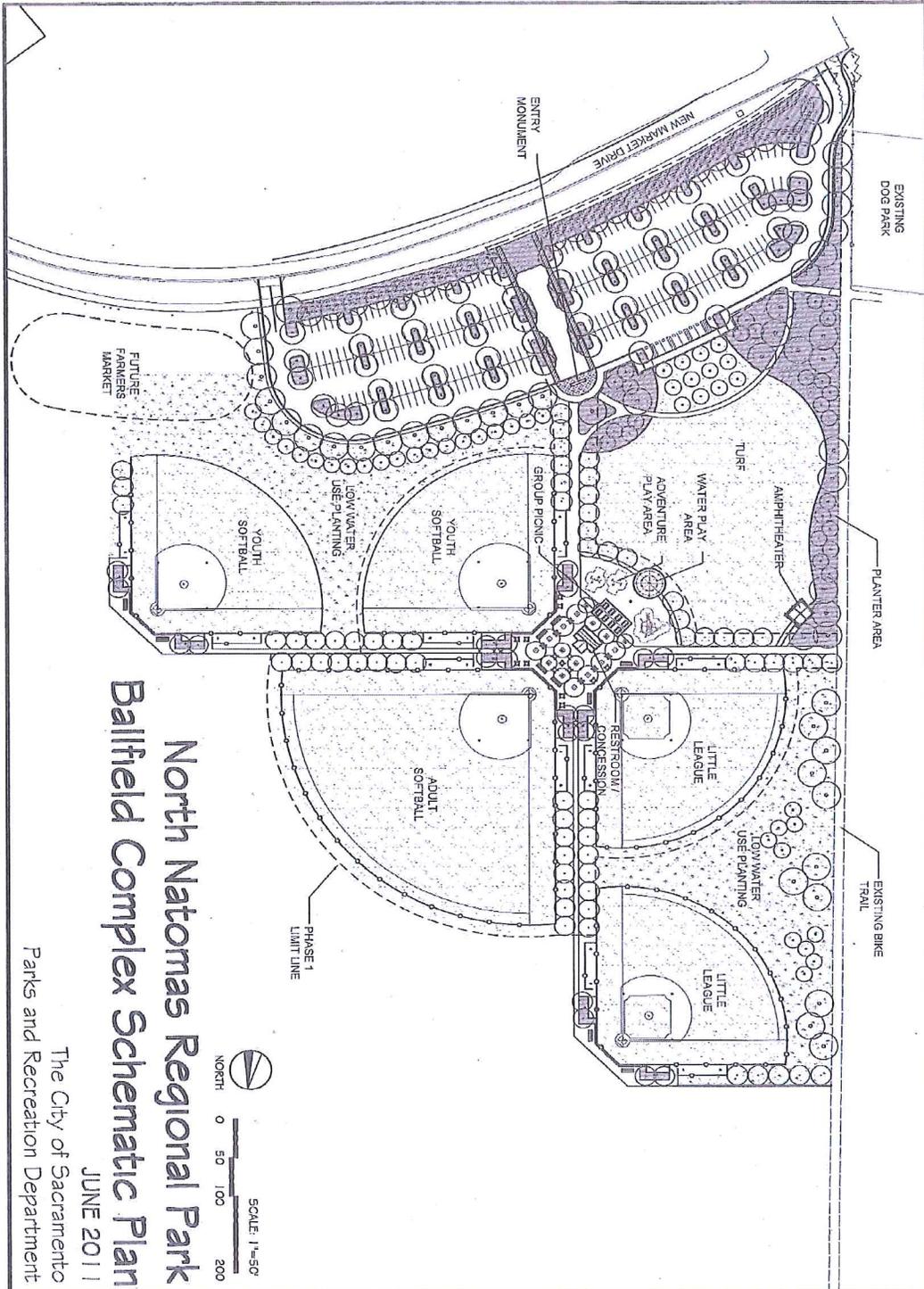
**North Natomas Regional Park**  
 Address: 4989 Natomas Blvd  
 Council District: 1  
 Community Planning Area: 10  
 Park Type: Regional  
 Total Park Acreage: 206.75

*City of Sacramento  
 Department of Parks and Recreation*

0 0.25 1 0.5  
 Miles

Source: April 2009 Aerial Photograph

EXHIBIT 2



North Natomas Regional Park  
 Ballfield Complex Schematic Plan  
 JUNE 2011

The City of Sacramento  
 Parks and Recreation Department

## **SECTION III – ENVIRONMENTAL CHECKLIST AND DISCUSSION**

### **LAND USE, POPULATION AND HOUSING, AGRICULTURAL RESOURCES AND ENERGY**

#### **Introduction**

The California Environmental Quality Act (CEQA) requires the Lead Agency to examine the effects of a project on the physical conditions that exist within the area that would be affected by the project. CEQA also requires a discussion of any inconsistency between the proposed project and applicable general plans and regional plans.

An inconsistency between the proposed project and an adopted plan for land use development in a community would not constitute a physical change in the environment. When a project diverges from an adopted plan, however, it may affect planning in the community regarding infrastructure and services, and the new demands generated by the project may result in later physical changes in response to the project.

In the same manner, the fact that a project brings new people or demand for housing to a community does not, by itself, change the physical conditions. An increase in population may, however, generate changes in retail demand or demand for governmental services, and the demand for housing may generate new activity in residential development. Physical environmental impacts that could result from implementing the proposed project are discussed in the appropriate technical sections.

This section of the initial study identifies the applicable land use designations, plans and policies, and permissible densities and intensities of use, and discusses any inconsistencies between these plans and the proposed project. This section also discusses agricultural resources and the effect of the project on these resources.

#### **Discussion**

##### **Land Use**

The project site has been designated as Parks and Recreation in the 2030 General Plan and zoned Agriculture Open Space (A-OS). It is located in the North Natomas Community Plan Area. Portions of the Regional Park have been developed already. Construction of the Ballfield Complex as proposed would not alter the existing landscape or change.

##### **Agricultural Resources**

The Master EIR discussed the potential impact of development under the 2030 General Plan on agricultural resources. See Master EIR, Chapter 6.2. In addition to evaluating the effect of the general plan on sites within the City, the Master EIR noted that to the extent the 2030 General Plan accommodates future growth within the City limits, the conversion of farmland outside the City limits is minimized. (Master EIR, page 6.2-13) The Master EIR concluded that the impact of the 2030 General Plan on agricultural resources within the City was less than significant.

The project site does not contain soils designated as Important Farmland (i.e., Prime Farmland, Unique Farmland or Farmland of Statewide Importance). (NRCS 2010). A portion of the project site is located in an area zoned as Agricultural – Open Spaces uses, however, the project site is

designated for passive and active recreational uses. No existing agricultural or timber-harvest uses are located on or in the vicinity of the project site. Development of the site would result in no impacts on agricultural resources.

#### Energy

It is anticipated that through the construction of this Ballfield Complex, it will enable residents and employees who live and work within North Natomas to recreate within their community. The project includes the use of energy efficient solar/LEED outdoor lighting in the parking lot and along pathways. The restrooms are lit by motion sensor lights.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>1. AIR QUALITY</b>			
<i>Would the proposal:</i>			
A) Result in construction emissions of NO <sub>x</sub> above 85 pounds per day?			X
B) Result in operational emissions of NO <sub>x</sub> or ROG above 65 pounds per day?			X
C) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X	
D) Result in PM <sub>10</sub> concentrations equal to or greater than five percent of the State ambient air quality standard (i.e., 50 micrograms/cubic meter for 24 hours) in areas where there is evidence of existing or projected violations of this standard?		X	
E) Result in CO concentrations that exceed the 1-hour state ambient air quality standard (i.e., 20.0 ppm) or the 8-hour state ambient standard (i.e., 9.0 ppm)?			X
F) Result in exposure of sensitive receptors to substantial pollutant concentrations?			X
G) Result in TAC exposures create a risk of 10 in 1 million for stationary sources, or substantially increase the risk of exposure to TACs from mobile sources?			X
H) Impede the City or state efforts to meet AB32 standards for the reduction of greenhouse gas emissions?			X

**ENVIRONMENTAL AND REGULATORY SETTING**

In December 2006 the Environmental Protection Agency (EPA) revised the national ambient air quality standard for fine particle pollution to provide increased protection of public health and welfare. The revised standard is 35 micrograms per cubic meter (ug/m<sup>3</sup>) for particles less than or equal to 2.5 micrometers in diameter (PM<sub>2.5</sub>), averaged over 24 hours. In December 2008 the EPA Administrator identified nonattainment areas, and in October 2009 confirmed the

designations. Sacramento County is included on this list, along with portions of surrounding counties that contribute to the nonattainment conditions.

#### **GENERAL PLAN POLICIES CONSIDERED MITIGATION**

The following General Plan policy would avoid or lessen environmental impacts as identified in the Master EIR and is considered a mitigation measure for the following project-level and cumulative impacts.

#### **Mitigation Measure AQ-1- General Plan Policy ER 6.1.8 - Development Near TAC Sources:**

The City shall ensure that new development with sensitive uses located adjacent to toxic air contaminant sources, as identified by the California Air Resources Board (CARB), reduces potential health risks. In its review of these projects, the City shall consider current guidance provided by and consult with the CARB and the Sacramento Metropolitan Air Quality Management District.

#### **STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, air quality impacts may be considered significant if construction and/or implementation of the Proposed Project would result in the following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan MEIR:

- construction emissions of NO<sub>x</sub> above 85 pounds per day;
- operational emissions of NO<sub>x</sub> or ROG above 65 pounds per day;
- violation of any air quality standard or contribute substantially to an existing or projected air quality violation;
- PM<sub>10</sub> concentrations equal to or greater than five percent of the State ambient air quality standard (i.e., 50 micrograms/cubic meter for 24 hours) in areas where there is evidence of existing or projected violations of this standard. However, if project emissions of NO<sub>x</sub> and ROG are below the emission thresholds given above, then the project would not result in violations of the PM<sub>10</sub> ambient air quality standards;
- CO concentrations that exceed the 1-hour state ambient air quality standard (i.e., 20.0 ppm) or the 8-hour state ambient standard (i.e., 9.0 ppm); or
- exposure of sensitive receptors to substantial pollutant concentrations.

Ambient air quality standards have not been established for toxic air contaminants (TAC). TAC exposure is deemed to be significant if:

- TAC exposures create a risk of 10 in 1 million for stationary sources, or substantially increase the risk of exposure to TACs from mobile sources.

#### **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR addressed the potential effects of the 2030 General Plan on ambient air quality and the potential for exposure of people, especially sensitive receptors such as children or the elderly, to unhealthful pollutant concentrations. See Master EIR, Chapter 6.1.

Policies in the 2030 General Plan in Environmental Resources were identified as mitigating potential effects of development that could occur under the 2030 General Plan. For example, Policy ER 6.1.1 calls for the City to work with the California Air Resources Board and the Sacramento Metropolitan Air Quality Management District (SMAQMD) to meet state and federal air quality standards; Policy ER 6.1.12 requires the City to review proposed development projects to ensure that the projects incorporate feasible measures that reduce construction and operational emissions; Policy ER 6.1.11 calls for coordination of City efforts with SMAQMD; and Policy ER 6.1.15 requires the City to give preference to contractors using reduced-emission equipment.

The Master EIR identified exposure to sources of toxic air contaminants (TAC) as a potential effect. Policies in the 2030 general Plan would reduce the effect to a less-than-significant level. The policies include ER 6.1.5, requiring consideration of current guidance provided by the Air Resources Board and SMAQMD; requiring development adjacent to stationary or mobile TAC sources to be designed with consideration of such exposure in design, landscaping and filters; as well as Policies ER 6.11.1 and ER 6.11.15, referred to above.

The Master EIR found that greenhouse gas emissions that would be generated by development consistent with the 2030 General Plan would be a significant and unavoidable cumulative impact. The discussion of greenhouse gas emissions and climate change in the 2030 General Plan Master EIR are incorporated by reference in this Initial Study. (CEQA Guidelines Section 15150)

The Master EIR identified numerous policies included in the 2030 General Plan that addressed greenhouse gas emissions and climate change. See Draft MEIR, Chapter 8, and pages 8-49 et seq. The Master EIR is available for review at the offices of Development Services Department, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA during normal business hours, and is also available online at <http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/>.

Policies identified in the 2030 General Plan include directives relating to sustainable development patterns and practices, and increasing the viability of pedestrian, bicycle and public transit modes. A complete list of policies addressing climate change is included in the Master EIR in Table 8-5, pages 8-50 et seq; the Final MEIR included additional discussion of greenhouse gas emissions and climate change in response to written comments. See changes to Chapter 8 at Final MEIR pages 2-19 et seq. See also Letter 2 and response.

## **ANSWERS TO CHECKLIST QUESTIONS**

### **QUESTIONS A AND B**

Air emissions during construction would occur due to activities consisting of grading and excavation and construction of the Ballfield Complex. Construction activities may cause the air quality to temporarily degrade during construction due to emissions from construction equipment and ground disturbing activities. Emissions in the grading and paving phase of construction are primarily associated with exhaust of equipment and the dust that is generated through grading activities. It is estimated that construction activities of the entire site would generate up to approximately 10.87 pounds of NO<sub>x</sub> per day (see Attachment 1 – Road Construction Emissions Model).

The proposed project would not result in construction or operation emissions over the NOx thresholds.

#### **QUESTIONS C AND D**

Sacramento County is considered a nonattainment area for fine particle pollution. The SMAQMD has indicated that projects that implement Basic Construction Emissions Control Practices and disturb less than 15 acres per day would not exceed the concentration based threshold of significance for PM<sub>10</sub> and, therefore PM<sub>2.5</sub>. The subject site is above the 15 acre criteria; however, the Basic Construction Emission Control Practices are included below as mitigation measures to be implemented during project construction to ensure that PM<sub>10</sub> and PM<sub>2.5</sub> emissions would not be significant.

#### **QUESTIONS E – H**

The use of the Ballfield Complex is not intended for vehicles. Due to the nature of this project, no impact is expected from CO or TAC. Nor would the Ballfield Complex expose sensitive receptors to substantial pollutant concentrations. The use of the Ballfield Complex would support the City and state's efforts to meet AB32 standards.

#### **MITIGATION MEASURES**

- AQ-2. Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- AQ-3. Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- AQ-4. Use wet power vacuum street sweepers to remove any visible track out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- AQ-5. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- AQ-6. All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-7. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- AQ-8. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

#### **Findings**

All additional significant environmental effects of the project relating to Air Quality can be mitigated to a less-than-significant level.

	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
Issues:			
<b>2. BIOLOGICAL RESOURCES</b> Would the proposal:			
A) Create a potential health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected			X
B) Result in substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal		X	
C) Affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands)?			X

**ENVIRONMENTAL SETTING**

The project sites are comprised of flat areas that have historically been used for row crops and have been since taken out of production with the increased development of the area. The project sites are surrounded in all directions by urban development (institutional, commercial, and residential). One dry, abandoned manmade Reclamation District-1000 irrigation ditch is found in the southwest corner of the proposed Ballfield Complex project site. It is bisected by the existing paved bicycle path and has does not appear to have been used for some time. There is no hydrological connection to any nearby waterbodies and the vegetation within the ditch was upland in nature. Aerial photos within the past decade were reviewed to identify when it was still in use; upon review, it appears the ditch was abandoned sometime between the late 1990s and early 2000s.

The proposed project is located within the Natomas Basin, a low-lying region in the Sacramento Valley, located east of the Sacramento River and north of the American River. The Natomas Basin contains incorporated and unincorporated areas within the jurisdictions of the City of Sacramento, Sacramento County, and Sutter County. Historically the basin was primarily in agricultural production. The existing water conveyance systems within the Natomas Basin were created for water conveyance and drainage. They provide nesting, feeding, and migration corridor habitat for a variety of species in the basin.

The Natomas Basin contains a variety of habitat types, open water aquatic habitat (including

ditches and drains), emergent marsh, riparian forest, riparian scrub-shrub, grassland, vernal pools, and agriculture. A number of special-status species (wildlife and plant), as determined by the California Department of Fish and Game (CDFG) or the U.S. Fish and Wildlife Service (USFWS), inhabit or forage within the Natomas Basin.

#### **GENERAL PLAN POLICIES CONSIDERED MITIGATION**

The following General Plan policies would avoid or lessen environmental impacts as identified in the Master EIR and are considered mitigation measures for the following project-level and cumulative impacts.

**Bio-1. General Plan Policy ER 2.1.10 - Habitat Assessments:** The City shall consider the potential impact on sensitive plants and for each project requiring discretionary approval and shall require preconstruction surveys and/or habitat assessments for sensitive plant and wildlife species. If the preconstruction survey and/or habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level or industry recognized (if no protocol has been established) surveys shall be conducted; or (2) presence of the species shall be assumed to occur in suitable habitat on the project site. Survey Reports shall be prepared and submitted to the City and the CDFG or USFWS (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law.

#### **STANDARDS OF SIGNIFICANCE**

For purposes of this environmental document, an impact would be significant if any of the following conditions or potential thereof, would result with implementation of the proposed project:

- Creation of a potential health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected;
- Substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal; or
- Affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands).

For the purposes of this document, "special-status" has been defined to include those species, which are:

- Listed as endangered or threatened under the federal Endangered Species Act (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under the California Endangered Species Act (or proposed for listing);
- Designated as endangered or rare, pursuant to California Fish and Game Code (Section 1901);
- Designated as fully protected, pursuant to California Fish and Game Code (Section 3511, 4700, or 5050);
- Designated as species of concern by U.S. Fish and Wildlife Service (USFWS), or as species of special concern to California Department of Fish and Game (CDFG);
- Plants or animals that meet the definition of rare or endangered under the California

## Environmental Quality Act (CEQA).

### **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

Chapter 6.3 of the Master EIR evaluated the effects of the 2030 General Plan on biological resources within the general plan policy area. The Master EIR identified potential impacts in terms of degradation of the quality of the environment or reduction of habitat or population below self-sustaining levels of special-status birds, through the loss of both nesting and foraging habitat.

Policies in the 2030 General Plan were identified as mitigating the effects of development that could occur under the provisions of the 2030 General Plan. Policy 2.1.5 calls for the City to preserve the ecological integrity of creek corridors and other riparian resources; Policy ER 2.1.10 requires the City to consider the potential impact on sensitive plants for each project and to require pre-construction surveys when appropriate; and Policy 2.1.11 requires the City to coordinate its actions with those of the California Department Fish and Game, U.S. Fish and Wildlife Service, and other agencies in the protection of resources.

The Master EIR concluded that the cumulative effects of development that could occur under the 2030 General Plan would be significant and unavoidable as they related to effects on special-status plant species (Impact 6.3-2), reduction of habitat for special-status invertebrates (Impact 6.3-3), loss of habitat for special-status birds (Impact 6.3-4), loss of habitat for special-status amphibians and reptiles (Impact 6.3-5), loss of habitat for special-status mammals (Impact 6.5-6), special-status fish (Impact 6.3-7) and, in general, loss of riparian habitat, wetlands and sensitive natural communities such as elderberry savannah (Impacts 6.3-8 through 10).

### **ANSWERS TO CHECKLIST QUESTIONS**

#### **Question A**

No hazards or hazardous materials would be generated as part of the construction or operation of the proposed project. No hazardous materials are used at the site. The City of Sacramento has obtained a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board under the requirements of the Environmental Protection Agency and Section 402 of the Clean Water Act. The goal of the permit is to reduce pollutants found in urban storm runoff. The general permit requires the permittee to employ "Best Management Practices" (BMPs) before, during, and after construction. The primary objective of the BMPs is to reduce non-point source pollution into waterways. These practices include structural and source control measures for residential and commercial areas, and BMPs for construction sites. BMPs mechanisms minimize erosion and sedimentation, and prevent pollutants such as oil and grease from entering the storm water drains. BMPs are approved by Department of Utilities before beginning construction. BMPs will be employed during construction in order to avoid hazardous materials from entering the drainage canal. Any impact is less than significant.

#### **Questions B, C**

Michael Brandman Associates (MBA) prepared a Biological Resources Report of the project site, dated September 9, 2011. See Attachment 2 (the report). Prior to conducting the biological

assessment, Michael Brandman Associates conducted a literature review, including the 2003 Natomas Basin Habitat Conservation Plan (NBHCP) and a California Native Diversity Data Base (CNDDDB) records search (CNDDDB 2011). MBA created a USFWS species list (USFWS 2011) to determine what special-status plant and wildlife species could occur in the study area and should be addressed. As a result of the literature review and pre-survey investigation, a list of special-status plant and wildlife species with potential to occur at the proposed North Natomas Regional Park Ballfield Complex Project area was prepared. This list was used to focus site assessments on those species with the greatest potential to be affected by the proposed project. There are four NBHCP wildlife species that have a moderate potential to occur within the project site due to suitable habitat. NBHCP-protected wildlife species were determined to have potential to occur in the study area: bank swallow, burrowing owl, Swainson's hawk, and white-tailed kite. No NBHCP-covered plants or other special-status plant species were observed during the July 13, 2011 site survey. (Refer to Biological Report Table 1 for a complete list of plant and Table 2 for a list of wildlife species considered to have potential to occur in or near proposed study area.)

### Special Status Wildlife

For the purposes of this assessment, special status has been defined to include those species that are: listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing); listed as endangered or threatened under the CESA (or proposed for listing); designated as endangered or rare, pursuant to California Fish and Game Code (§1901); designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050); designated as species of concern to the CDFG; or defined as rare or endangered under CEQA.

Table 2 provides a brief summary of relevant information on each of the special-status species known or potentially occurring in the project area based on the nine-quad CNDDDB search, the USFWS species list, and the NBHCP. Most species in the table are either not present or not likely to be adversely affected by the proposed trail and are not discussed further in this report. Further discussion was deemed appropriate for the following species:

**Giant Garter Snake.** There are 102 occurrence records for giant garter snakes in the nine-quad CNDDDB search conducted for this project, a number of them reported from the East Drainage Canal and its intersecting ditches and channels both within and outside of the project area (CNDDDB 2011). Near the project area, giant garter snakes could use the East Drainage Canal and the pond at Tanzanite Park. They could also be found in any of the uplands of the project area but would be expected to move quickly through any habitat, aquatic or upland, that did not provide cover as protection from predators. Dense cover is preferred by the species. Since much of the upland habitat within the project area provides either little or no vegetative cover, giant garter snakes are unlikely to use it. Due to the proximity of the site to known occurrences (CNDDDB 2011) and the presence of suitable aquatic habitat in the project vicinity, this species is presumed present and potentially affected by construction and use of the bicycle trail.

**Swainson's hawk.** Swainson's hawk records are also numerous, with 123 records in the nine-quad search area (CNDDDB 2011). One record is for a 2003 nest about one-quarter mile away (record 1257 southwest of Tanzanite Park), but the rest are for nests at least one-half mile away from the project area. The nearest potential nest trees are, at the closest point, about 775 feet north of the extreme south end of the trail. No trees would be removed for the project. The project impact area provides foraging habitat of only limited value because it is small and narrow

(sandwiched between intensive developments), intensively managed (essentially denuded by mowing at the time of the site visit), and provides only sparse habitat for prey. Although Swainson's hawks could forage over the project area opportunistically, loss of habitat there would not materially reduce foraging opportunities for this bird. Due to the proximity of the site to species occurrences (CNDDDB 2011) and the presence of suitable, if marginal, foraging habitat in the study area, Swainson's hawks are considered potentially present and nesting birds could be affected by construction.

**White-tailed kite.** White-tailed kites may nest in this part of the Central Valley, and potential nest trees are found within about 750 feet of the south end of the proposed trail; however, these birds are more likely to nest near agricultural areas and all CNDDDB records in the nine-quad search area are for nests more than a mile away, farther from urbanized areas and closer to agricultural foraging habitat more than a mile away. This bird is not covered under the NBHCP. No trees would be removed for the project. No species-specific avoidance measures are provided for this bird, with the exception of including the species in the general preconstruction nesting-bird survey.

**Burrowing Owl.** Burrowing owls often den in banks and levees of canals if suitable burrows and prey are present. Potentially suitable habitat occurs in patches along both banks of the adjacent East Drainage Canal and on the grassland slopes of the pond around Tanzanite Park. CNDDDB records indicate past burrowing owl use of the east and west banks of East Drainage Canal at the north of the project area in 2007 (record 797, CNDDDB 2011). Neither ground-squirrel activity nor suitable dens were evident in the project area during the site visit, and burrowing owls were not seen or heard; however, a formal survey was not conducted. Due to the proximity of the site to species occurrences and the presence of suitable habitat adjacent to the study area, burrowing owls are considered potentially present and could be affected by construction.

**Tricolored blackbird.** Tricolored blackbird nesting colonies (rather than foraging habitat) are of primary concern to CDFG. The project area provides only marginal and unlikely nesting habitat at the west end of the pond at Tanzanite Park (outside the project area); no suitable nesting habitat is present within the study area. These birds will forage in lawns if suitable insect prey is available, so they could forage opportunistically in areas adjacent to the study area in Tanzanite Park. Tricolored blackbirds were neither seen nor heard at the time of the site visit; however, a formal survey was not conducted. Based on the marginal habitat quality for the species, it is not expected to occur or be affected by the project.

**Loggerhead Shrike.** Loggerhead shrikes could nest in the trees and shrubs around the pond at Tanzanite Park (outside the study area) but the project area itself provides only foraging habitat for insects, lizards, and similar small prey. Most of the potential nest trees and shrubs are more than 100 feet from construction activities, but a few are closer. Loggerhead shrikes were neither seen nor heard during the site visit, but they are likely to occur in the vicinity.

**California Tiger Salamander.** There are no California tiger salamander (CTS) records in the nine-quad CNDDDB search area, and the NBHCP states that this species is not known to occur in the Natomas Basin. This species is nevertheless covered under the HCP as a species that could become established more widely in the future. If CTS were present in the area, the pond at Tanzanite Park would be considered potential breeding habitat, with the large ruderal field to the west providing the most proximate suitable over summering upland. The project site itself provides little if any suitable upland because of the scarcity of small-mammal burrows. Because

of its federally threatened status and coverage under the HCP, we include CTS in our consideration of impacts and avoidance measures but recognize that, given existing and expanding urbanization around the project area, CTS are unlikely to be present currently and unlikely to become established in the project vicinity.

### Special Status Plants

A total of nine special-status plant species were initially considered during this analysis as having potential to occur in the project area (Table 1), based on proximity to known occurrences in a 9-USGS-quadrangle search around the proposed project site (CNDDDB 2011). Of the nine plant species initially considered, the project site was found to support none of the targeted special-status plant species. No suitable habitat for the targeted species listed in Table 1 was located (i.e. the site lacks vernal pools and other seasonal wetlands, brackish and freshwater marsh, saltmarsh and other wetlands; cismontane woodlands, chenopod scrub, chaparral; heavy clay alkaline or saline soils or other areas favored by the targeted species). Because the project area supports relatively disturbed grassland and lacks suitable habitats favored by targeted special-status plant species, the overall potential of the site to support special-status plants is considered very low. No special-status plants were located onsite during the July 13, 2011 site assessment. Therefore, no impacts on special-status plants from project construction or operation area anticipated.

### Potential Waters of the U.S.

There were no jurisdictional waters or wetlands observed within the project area. As aforementioned, one dry, abandoned manmade Reclamation District-1000 irrigation ditch is found in the southwest corner of the proposed Ballfield Complex project site. It is bisected by the existing paved bicycle path and does not appear to have been used for some time. There is no hydrological connection to any nearby waterbodies and the vegetation within the ditch was upland in nature. Aerial photos within the past decade were reviewed to identify when it was still in use; upon review, it appears the ditch was abandoned sometime between the late 1990s and early 2000s.

### Migratory Birds and Bird of Prey

Fish and Game Code 3503.5 protects all birds in the orders Falconiformes and Strigiformes (collectively known as birds of prey). The MBTA protects migratory birds and other birds of prey, such as the great egret (*Ardea alba*) and the American kestrel (*Falco sparverius*). Nesting season occurs from March 1 to September 15. Migratory birds and other birds of prey have the potential to nest in trees within the cottonwood forest and elderberry savanna, within the ornamental landscaping associated with the ruderal/developed areas, and on the ground within the nonnative grassland within the study area.

To help reduce potential for impacts on special-status wildlife species, a combination of preconstruction activities, construction-related avoidance, and post-construction use actions were recommended (in accordance with standard procedures specified in the NBHCP). Once implemented, these actions will reduce project impacts to a less-than-significant level.

## MITIGATION MEASURES

**Bio-2:** All construction activities that involve ground disturbance shall be restricted to the period of May 1 through September 30. This is the active period for giant garter snakes and they are expected to avoid danger during this time.

**Bio-3:** A preconstruction survey shall be completed by a qualified biologist approved by the USFWS no more than 24 hours prior to the onset of construction (site preparation, grading). Another such survey shall be completed if construction stops for a period of two or more weeks.

**Bio-4:** Clearing shall be confined to the minimum area necessary to facilitate construction. All giant garter snake habitat outside of construction areas shall be flagged as an environmentally sensitive area. These areas shall be avoided by all construction personnel.

**Bio-5:** Construction personnel shall receive USFWS-approved environmental awareness training instructing workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an onsite biological monitor shall be designated. While not specified in the NBHCP, FWS requires the biological monitor to be present during all construction activities (K. Berry pers. comm.) to ensure that that no GGS are harmed by foot, vehicle, and equipment activities. The biological monitor shall be responsible for preparing the compliance monitoring report specified in section 4.10 below, pursuant to NBHCP sections E.1.b. and c, Chapters V1.E.1.b and V1.E.1c.

**Bio-6:** If a live giant garter snake is found during construction activities, the USFWS and the biological monitor shall immediately be notified. The biological monitor, or his/her assignee, shall stop construction and follow guidance specified in NBHCP section V.A.5.a.(7).

**Bio-7:** Upon locating dead, injured, or sick federally listed wildlife, the permittees or their designated agents must notify within one working day the Service's Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within three calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.

**Bio-8:** Fill or construction debris may be used by giant garter snakes as over-wintering sites. Upon completion of construction activities, all temporary fill and/or construction debris shall be removed from the site. If this material is situated near undisturbed giant garter snake habitat and is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snakes are not using it as hibernaculae.

**Bio-9:** No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes will be placed on a project site when working within 200 feet of aquatic or rice habitat. Possible substitutions include coconut coir matting, tackified hydroseeding compounds, or other material approved by wildlife agencies.

**Bio-10:** While not specified in the NBHCP, we recommend posting educational signs along the trail about giant garter snakes to educate the public about the species' possible presence and encourage avoidance of bicycle or pedestrian encounters. Additionally, speed limits could be recommended.

**Bio-11:** Prior to the construction, a preconstruction survey shall be completed to determine whether any active Swainson's hawk nest sites occur within 0.5 mile of the construction site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology, or updated methodologies, as approved by the CDFG, using experienced Swainson's hawk surveyors.

**Bio-12:** If breeding Swainson's hawks (i.e., birds exhibiting nest-building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within 0.5 mile between March 15 and September 15, or until a CDFG-approved biologist has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 0.25 mile of existing urban development, the no-new-disturbance zone can be limited to 0.25 mile.

**Bio-13:** Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., construction activities deferred until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.

**Bio-14:** If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until the California Department of Fish and Game has determined that the young have fledged and are no longer dependent upon the nest tree.

**Bio-15:** If construction or other project-related activities that may cause nest abandonment or forced fledging are proposed within the 0.25–0.5-mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFG-approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.

**Bio-16:** A CDFG-approved biologist shall perform a preconstruction survey of the site for burrowing owls. The results of the preconstruction survey shall be submitted to the land-use agency with jurisdiction over the site prior to construction and a mitigation program shall be developed if necessary.

**Bio-17:** Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless an approved biologist verifies through non-invasive measures that either: a) the birds have not begun egg-laying and incubation; or b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

**Bio-18:** If nest sites are found, CDFG shall be contacted regarding suitable mitigation measures, as specified in the NBHCP, which could include establishing a non-disturbance buffer zone or passive relocation. Follow specific guidance in the NBHCP.

**Bio-19:** Where avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitat on TNBC upland reserves. Such habitat shall include creation of new burrows with adequate foraging area.

**Bio-20:** No specific guidance on the methods of the preconstruction survey are provided in the HCP; however, it is assumed for this project that the preconstruction survey will follow methods

provided by either CDFG (CDFG 1995 or newer) or the Burrowing Owl Consortium (Burrowing Owl Consortium 1993).

**Bio-21:** A preconstruction survey for nesting birds shall be performed by a qualified biologist prior to construction, within the project area and a 300-foot buffer area, not more than two weeks prior to construction and preferably less than one week, for all birds not named above. If active nests are found, a no-disturbance buffer zone of

100 to 300 feet shall be established around them according to an agency-approved biologist's assessment of the species' sensitivity to disturbance. Within this buffer zone, no construction activity will be allowed until August 31 or the biologist determines that the nest is no longer active.

**Bio-22:** In compliance with section V of the NBHCP, the nesting-bird survey should also include a search of suitable habitats within 0.25 miles for nesting white-faced ibis. No construction shall take place within 0.25 mile of nesting white-faced ibis between May 15 and August 31 or until the biologist has determined that the young have fledged.

#### **FINDINGS**

All additional significant environmental effects of the project relating to Biological Resources can be mitigated to a less-than-significant level.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>3. CULTURAL RESOURCES</b>			
Would the project:			
A) Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in § 15064.5?		X	
B) Directly or indirectly destroy a unique paleontological resource?			X

**ENVIRONMENTAL SETTING**

The project site is within the boundaries of the Reclamation District 1000 Rural Historic Landscape District (RD 1000 Rural Historic Landscape District). The RD 1000 Rural Historic Landscape District is significant at the state level for the period from 1911 to 1939. The establishment of the Reclamation District 1000 (RD 1000) as a part of a regional reclamation plan resulted in the social, economic, and physical transformation of the region, from the original flood plain to a distinctly different open rural landscape consisting of levees, canals, and roads intersecting to form large blocks of fields. RD 1000 was among the first and largest of the major reclamation districts in the state. The grid pattern created by the canals, roads, and fields, covering 87 square miles, are contributing characteristics of the RD 1000 Rural Historic Landscape District. The RD 1000 was determined eligible for the National Register of Historic Places in 1994 (Peak & Associates, 1997).

State Historic Preservation staff has recommended that the City educate the public about the RD 1000 Rural Historic District as the area develops as additional mitigation to address the alteration of the Rural Historic Landscape District. The City, in consultation with the State Historic Preservation staff has recommended an education kiosk program to be implemented at key public gathering areas within the RD 1000 Rural Historic Landscape District as mitigation for new projects. The education kiosks, placed in areas such as the North and South Natomas community centers, the North Natomas Regional Park, community parks, and other suitable locations, will explain the history of the RD 1000 and its importance to the current surrounding landscape.

Each development project within the RD 1000 Rural Historic Landscape District boundary will incrementally alter the RD 1000 Rural Historic Landscape District. However, the City is implementing the education kiosk program and the City adopted "CEQA Findings of Fact and Statement of Overriding Considerations for the North Natomas Comprehensive Drainage Plan, Levee Improvements, Canal Widening and Additional Pumping Capacity Project" (Resolution No. 97-251).

## **STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, cultural resource impacts may be considered significant if the proposed project would result in one or more of the following:

1. Cause a substantial change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5 or
2. Directly or indirectly destroy a unique paleontological resource. Answers to Checklist Questions

## **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR evaluated the potential effects of development under the 2030 General Plan on prehistoric and historic resources. See Chapter 6.4. The Master EIR identified significant and unavoidable effects on historic resources and archaeological resources.

General plan policies identified as reducing such effects call for identification of resources on project sites (Policy HCR 2.1.1), implementation of applicable laws and regulations (Policy HCR 2.1.2 and HCR 2.1.15), early consultation with owners and land developers to minimize effects (Policy HCR 2.1.10 and encouragement of adaptive reuse of historic resources (Policy HCR 2.1.13). Demolition of historic resources is deemed a last resort. (Policy HCR 1.1.14)

## **MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

## **ANSWERS TO CHECKLIST QUESTIONS**

### **QUESTIONS A AND B**

Due to intensive mechanized agriculture, grading, cutting, construction of the residential communities, and fill used for the construction of the existing roadbeds being using for the proposed project which have resulted in substantial surface and subsurface ground disturbance throughout the project area, it would not that cultural resources would be encountered. The proposed improvements are not located on or adjacent to a drainage canal and will therefore, not modify the Rural Historic Landscape District significantly. As such, it is not a suitable location for education about the Rural Historic Landscape District and information about the District is not planned for this Ballfield Complex. However, construction does involve some excavation for resurfacing the improvements. These activities could expose previously unidentified resources. The City has committed to limit potential impacts to a less than significant level by incorporating specific measures.

## **MITIGATION MEASURES**

- CR-1 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological

test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

- CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

- CR-3 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

#### **FINDINGS**

All additional significant environmental effects of the project relating to Cultural Resources can be mitigated to a less-than-significant level.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<p><u>4. GEOLOGY AND SOILS</u></p> <p>Would the project allow a project to be built that will either introduce geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards?</p>			X

**STANDARDS OF SIGNIFICANCE**

For the purposes of this Initial Study, an impact is considered significant if it allows a project to be built that will either introduce geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

Chapter 6.5 of the Master EIR evaluated the potential effects related to seismic hazards, underlying soil characteristics, slope stability, erosion, existing mineral resources and paleontological resources in the general plan policy area. Implementation of identified policies in the 2030 General Plan reduced all effects to a less-than-significant level. Policies EC 1.1.1 through 1.1.3 require regular review of the City’s seismic and geologic safety standards, geotechnical investigations for project sites and retrofit of critical facilities such as hospitals and schools.

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

**ANSWERS TO CHECKLIST QUESTION**

The proposed project would not result in the exposure of people to geologic or seismic hazards. The project would consist primarily of recreational uses adjacent to an existing drainage canal, residential neighborhoods, and a park. The project would not involve significant changes in topography. The project requires grading of the 18 acres and paving of approximately 26,260 square feet for the construction of the Ballfield Complex and parking area. Erosion may occur as a result of the grading. Soils are especially prone to erosion from storm runoff that occurs during or immediately after construction. All grading and erosion control shall be conducted in compliance with the requirements of the Sacramento City Code to prevent erosion of soils during construction (Ordinance 15.88.250). The proposed project does not involve groundwater pumping or dewatering. There are no recognized unique geologic features or physical features that would be impacted by the construction of the proposed park. Therefore, related impacts on area soils and earth conditions are anticipated to be less-than-significant.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Geology and Soils.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>5. HAZARDS</b>			
Would the project:			
A) Expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities?			X
B) Expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing materials or other hazardous materials?			X
C) Expose people (e.g., residents, pedestrians, construction workers) to existing contaminated groundwater during dewatering activities?			X

**ENVIRONMENTAL AND REGULATORY SETTING**

Federal regulations and regulations adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD) apply to the identification and treatment of hazardous materials during demolition and construction activities. Failure to comply with these regulations respecting asbestos may result in a Notice of Violation being issued by the AQMD and civil penalties under state and/or federal law, in addition to possible action by U.S. EPA under federal law.

Federal law covers a number of different activities involving asbestos, including demolition and renovation of structures (40 CFR § 61.145).

**SMAQMD Rule 902 and Commercial Structures**

The work practices and administrative requirements of Rule 902 apply to all commercial renovations and demolitions where the amount of Regulated Asbestos-Containing Material (RACM) is greater than:

- 260 lineal feet of RACM on pipes, or
- 160 square feet of RACM on other facility components, or
- 35 cubic feet of RACM that could not be measured otherwise.

The administrative requirements of Rule 902 apply to any demolition of commercial structures, regardless of the amount of RACM.

### **Asbestos Surveys**

To determine the amount of RACM in a structure, Rule 902 requires that a survey be conducted prior to demolition or renovation unless:

- the structure is otherwise exempt from the rule, or
- any material that has a propensity to contain asbestos (so-called "suspect material") is treated as if it is RACM.

Surveys must be done by a licensed asbestos consultant and require laboratory analysis. Asbestos consultants are listed in the phone book under "Asbestos Consultants." Large industrial facilities may use non-licensed employees if those employees are trained by the U.S. EPA. Questions regarding the use of non-licensed employees should be directed to the AQMD.

### **Removal Practices, Removal Plans/Notification and Disposal**

If the survey shows that there are asbestos-containing materials present, the SMAQMD recommends leaving it in place.

If it is necessary to disturb the asbestos as part of a renovation, remodel, repair or demolition, Cal OSHA and the Contractors State License Board require a licensed asbestos abatement contractor be used to remove the asbestos-containing material.

There are specific disposal requirements in Rule 902 for friable asbestos-containing material, including disposal at a licensed landfill. If the material is non-friable asbestos, any landfill willing to accept asbestos-containing material may be used to dispose of the material.

### **STANDARDS OF SIGNIFICANCE**

For the purposes of this Initial Study, an impact is considered significant if the proposed project would:

- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities;
- expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing materials or other hazardous materials; or
- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated groundwater during dewatering activities.

### **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR evaluated effects of development on hazardous materials, emergency response and aircraft crash hazards. See Chapter 6.6. Implementation of the General Plan may result in the exposure of people to hazards and hazardous materials during construction activities, and exposure of people to hazards and hazardous materials during the life of the General Plan. Impacts identified related to construction activities and operations were found to be less than significant. Policies included in the 2030 general Plan, including PHS 3.1.1 (investigation of sites for contamination) and PHS 3.1.2 (preparation of hazardous materials actions plans when appropriate) were effective in reducing the identified impacts.

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A THROUGH C**

The project would require minimal grading and would primarily consist of planting grasses and small ballfield structures with the associated parking facility. The proposed project is not expected to generate the risk of an explosion or release of hazardous substances. No structures would be demolished during construction and therefore workers would not come in contact with hazardous substances from demolition of existing structures. Construction equipment would be properly maintained and a spill prevention plan will be implemented as part of the project to avoid accidental release of hazardous construction materials. With the incorporation of standard construction specifications for hazardous materials as part of the project description, potential impacts would be reduced to less than significant.

**MITIGATION MEASURES**

No mitigation measures required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Hazards.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<p>6. <u>HYDROLOGY AND WATER QUALITY</u> Would the project:</p> <p>A) Substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increases in sediments and other contaminants generated by construction and/or development of the project?</p>			X
<p>B) Substantially increase the exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood ?</p>			X

**ENVIRONMENTAL SETTING**

The North Natomas area has three large drainage canals owned by Reclamation District 1000 (RD-1000). These are the West Drain, along the western boundary of the plan area, including Fisherman’s Lake; the East Drain, a north-south drain that parallels Truxel Road; and the Natomas East Main Drainage Canal (renamed “Steelhead Creek”), the eastern boundary of the plan area adjacent to the UP railroad right of way. Smaller drains connect to the three larger canals. The primary purpose of the RD-1000 canals is to convey agricultural runoff and stormwater runoff to the Sacramento River, Steelhead Creek, and the Cross Canal.

The North Natomas Comprehensive Drainage Plan (CDP) serves a different purpose: it conveys urban runoff to the Sacramento River. The Drainage System is not a traditional conveyance system that seeks to move the runoff to the river as soon as possible. The system is designed to detain the surface runoff on the land in detention basins before releasing slowly and in a controlled manner to the Sacramento River. The drainage canals run parallel to but separate from the existing RD-1000 canals.

The detention basins and canal corridors are planned to be developed as conjunctive uses with parks, linear parkways, utility corridors, and other compatible land uses. Including the drainage canals and detention basins with the other conjunctive uses will help convert a potential physical barrier into an amenity that serves as a local linkage, an aesthetically pleasing viewshed, and/or passive/active recreational areas.

*Flooding.* In 2006, the Sacramento Area Flood Control Agency (SAFCA) conducted a study entitled “Natomas Levee Evaluation Study” to evaluate the levee system and determine the improvements needed to provide the basin with 200-year level of protection. SAFCA’s study concluded that selected reaches of the levee system, certified for 100-year protection in 1998, failed to meet freeboard criteria based on new hydraulic modeling and failed to meet new Army Corps of Engineers (Corps) criteria for underseepage. In addition, several erosion sites have developed since the 1998 certification. In a letter dated July 20, 2006, the Corps informed Federal Emergency Management Agency (FEMA) that they would no longer support their 1998 certification of the Natomas levees.

FEMA issued new Flood Insurance Rate Maps (FIRMs) to the City on December 8, 2008, which showed the Natomas Basin in an AE Zone. Prior to the new FIRMs, the Natomas Basin was in an X Zone. This AE Zone has a base flood elevation (BFE) of 33' above sea level based on the NGVD 1929 datum.

In an AE Zone, any new construction and/or substantial improvement to any structure shall have the lowest floor; including basement elevated a minimum of one (1) foot above the BFE. Non-residential structures have the option of flood proofing to one foot above the BFE in lieu of the elevation requirement.

SAFCA is currently implementing the "Natomas Levee Improvement Program" which will provide 200-year level of flood protection for the Natomas Basin in Sacramento. Significant progress has been made on the NLIP in the last four years to fix the levees around the Natomas Basin. Work on about five miles of the Natomas Cross Canal and seven miles of the Sacramento River were completed in 2010. SAFCA is working on another six miles along the Sacramento just south of the airport, which would complete half the improvements needed to meet the Federal Standard for providing the Natomas Basin with at least a 100-year of flood protection and to meet the A99 zone requirement. Zone A99 in the Natomas can be achieved, which would lift any building restriction, once the additional six miles of levee work is complete, federal authorization is given for the project, and FEMA issues a Letter of Map Revision. This is anticipated in 2012 or 2013. It is anticipated that the Natomas Basin will be remapped to Zone X in approximately 2018.

#### **GENERAL PLAN POLICIES CONSIDERED MITIGATION**

The following General Plan policy would avoid or lessen environmental impacts as identified in the Master EIR and is considered a mitigation measure for the following project-level and cumulative impacts.

**HYD-1: General Plan Policy ER 1.1.5 - No Net Increase:** The City shall require all new development to contribute no net increase in stormwater runoff peak flows over existing conditions associated with a 100- year storm event.

#### **STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, impacts to hydrology and water quality may be considered significant if construction and/or implementation of the Proposed Project would result in the following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan MEIR:

- substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increases in sediments and other contaminants generated by construction and/or development of the Specific Plan or
- substantially increase the exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.

#### **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

Chapter 6.7 of the Master EIR evaluates the potential effects of the 2030 General Plan as they relate to surface water, groundwater, flooding, stormwater and water quality. Potential effects include water quality degradation due to construction activities (Impacts 6.7-1, 6.7-2), and

exposure of people to flood risks (Impacts 6.7-3, 6.7-4). Policies included in the 2030 General Plan, including a directive for regional cooperation (Policies ER 1.1.2, EC 2.1.1, EC 2.1.1), comprehensive flood management (Policy EC 2.1.14), and construction of adequate drainage facilities with new development (Policy U 4.1.1) were identified that reduced all impacts to a less-than-significant level.

#### **MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

#### **ANSWERS TO CHECKLIST QUESTIONS**

##### **QUESTION A**

The project design incorporates water-efficient irrigation improvements to reduce water consumption, in addition to a centralized solar irrigation controller. Permeable concrete pavers for patio areas and decomposed granite for trails throughout the complex. The landscaping will consist of drought-tolerant, low-water use plantings and trees.

Construction related activities have the potential to impact water quality. Fuel, oil, grease, solvents, and other chemicals used in construction activities have the potential to create toxicity problems if allowed to enter a waterway. Construction activities are also a source of various other materials including trash, soap, and sanitary wastes.

The project would comply with the City of Sacramento Code, Ordinance 15.88.250, Erosion and Sediment Control. The project includes the use of bioswales in the parking lot to help improve water quality of the surface runoff. The City shall employ Best Management Practices (BMPs) before, during and after construction. Compliance with BMP provisions will assure that development and use of the site will result in a less-than-significant impact to surface waters and will not result in the alteration of surface water quality.

##### **QUESTION B**

The proposed project is located in the AE flood zone. However, the proposed project does not involve the construction of enclosed structures until the additional six miles of levee work is complete, federal authorization is given for the project, and FEMA issues a letter of map revision. Therefore, implementation of the project will not expose people and/or property to the risk of injury and damage in the event of a 100-year, or greater, flood. Therefore, the proposed project will have a less-than-significant impact for exposure of people to water.

#### **MITIGATION MEASURES**

No mitigation measures required.

#### **FINDINGS**

The project would have no additional project-specific environmental effects relating to Hydrology and Water Quality.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>7. LIGHT AND GLARE</b> Would the proposal:			
A) Create a source of glare that would cause a public hazard or annoyance?			X
B) Create a new source of light that would be cast onto oncoming traffic or residential uses?			X

**ENVIRONMENTAL SETTING**

The project site is located within the North Natomas Regional Park, surrounded by open space to be developed with similar recreational uses. The project site is comprised of undeveloped land that was previously used for agricultural production. No existing agricultural operations exist on the project site or on lands surrounding the project site. Surrounding land uses include residential development to the east, a detention basin and additional residential development to the north, existing open space (proposed for development to neighborhood commercial) to the west, and existing commercial development and the Arco Arena to the south. The closest residential uses are located approximately 1,100 linear feet from the proposed lighted parking lot and softball field.

**STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, aesthetics impacts may be considered significant if the proposed project would result in one or more of the following:

*Glare.* Glare is considered to be significant if it would be cast in such a way as to cause public hazard or annoyance for a sustained period of time.

*Light.* Light is considered significant if it would be cast onto oncoming traffic or residential uses.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR described the existing visual conditions in the general plan policy area, and the potential changes to those conditions that could result from development consistent with the 2030 general Plan. See Master EIR, Chapter 6.13, Urban Design and Visual Resources.

The Master EIR identified potential impacts for glare (Impact 6.13-1). Mitigation Measure 6.13-1, set forth below, was identified to reduce the effect to a less-than-significant level.

Light cast onto oncoming traffic or residential uses was identified as a potential impact (Impact 6.13-2). The Master EIR identified Policy LU 6.1.14 (Compatibility with Adjoining Uses) and its requirement that lighting must be shielded and directed downward as reducing the potential effect to a less-than-significant level.

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO PROJECT**

**Master EIR Mitigation Measure 6.13-1:** *The City shall amend the Zoning Code to prohibit new development from:*

- 1) *using reflective glass that exceeds 50 percent of any building surface and on the ground three floors;*
- 2) *using mirrored glass;*
- 3) *using black glass that exceeds 25 percent of any surface of a building; and,*
- 4) *using metal building materials that exceed 50 percent of any street-facing surface of a primarily residential building.*

The Zoning Code has not yet been amended to include the restrictions identified in Mitigation Measure 6.13-1. The restrictions will be applied to the project, if applicable, to ensure that the potential impact identified in the Master EIR is less than significant.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A AND B**

The proposed project includes lighting for the softball field and solar lighting for the parking lot and pathway lighting. The field lighting poles would be approximately 90 feet tall and would be on a timer to shut off before 10:30 p.m.. The light would spill over about 100 feet from the edge of the baseball fields. The parking lot lots are approximately 15 feet tall. Lighting is subject to Uniform Building Code and Sacramento City Code requirements, ensuring that all lighting would be downward facing and directed away from residential neighbors.

**MITIGATION MEASURES**

No mitigation measures required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to light and glare.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	City of Sacramento No additional significant environmental effect
<b>8. NOISE</b> Would the project: A) Result in exterior noise levels in the project area that are above the upper value of the normally acceptable category for various land uses due to the project's noise level increases?			X
B) Result in residential interior noise levels of 45 dBA L <sub>dn</sub> or greater caused by noise level increases due to the project?			X
C) Result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance?			X
D) Permit existing and/or planned residential and commercial areas to be exposed to vibration-peak-particle velocities greater than 0.5 inches per second due to project construction?			X
E) Permit adjacent residential and commercial areas to be exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations?			X
F) Permit historic buildings and archaeological sites to be exposed to vibration-peak-particle velocities greater than 0.2 inches per second due to project construction and highway traffic?			X

**GENERAL PLAN POLICIES CONSIDERED MITIGATION**

The following General Plan policies, implemented as mitigation measures for this project, would avoid or lessen environmental impacts as identified in the Master EIR and are considered mitigation measures for the following project-level and cumulative impacts.

**STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, impacts due to noise may be considered significant if construction and/or implementation of the Proposed Project would result in the following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan MEIR:

- result in exterior noise levels in the project area that are above the upper value of the normally acceptable category for various land uses due to the project's noise level increases;
- result in residential interior noise levels of 45 dBA L<sub>dn</sub> or greater caused by noise level increases due to the project;

- result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance;
- permit existing and/or planned residential and commercial areas to be exposed to vibration-peak-particle velocities greater than 0.5 inches per second due to project construction;
- permit adjacent residential and commercial areas to be exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations; or
- permit historic buildings and archaeological sites to be exposed to vibration-peak-particle velocities greater than 0.2 inches per second due to project construction and highway traffic.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR evaluated the potential for development under the 2030 General Plan to increase noise levels in the community. New noise sources include vehicular traffic, aircraft, railways, light rail and stationary sources. The general plan policies establish exterior (Policy EC 3.1.1) and interior (EC 3.1.3) noise standards. A variety of policies provide standards for the types of development envisioned in the general plan. See Policy EC 3.1.8, which requires new mixed-use, commercial and industrial development to mitigate the effects of noise from operations on adjoining sensitive land use, and Policy 3.1.9, which calls for the City to limit hours of operations for parks and active recreation areas to minimize disturbance to nearby residences. Notwithstanding application of the general plan policies, noise impacts for exterior noise levels (Impact 6.8-1) and interior noise levels (Impact 6.8-2), and vibration impacts (Impact 6.8-4) were found to be significant and unavoidable.

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A THROUGH F**

Temporary increases in noise levels would occur during construction of the proposed project. Construction activities would require equipment for grading and paving for parking lot, the Ballfield Complex and construction of associated facilities. Construction noise can range from 65 dB to nearly 90 dB depending on the type of equipment used and the type of activity. Construction noise would be intermittent. Construction noise is exempt from the City of Sacramento Noise Ordinance between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. on Sundays. It would not that the construction equipment and activities would result vibration-peak-particle velocities greater than 0.5 inches per second due to project construction.

Operational noises from the site would consist of vehicles driving to and from the complex and ballfield activities, which results in a slight increase in existing noise levels. The maximum normally acceptable exterior noise level allowed for recreation land use is 70 dB. The closest residential, or sensitive noise receptor, is the multi-family land use located approximately 1,200 feet west of the site. It is not anticipated that the noise levels due to the project will increase significantly or result in interior noise levels over 45 Ldn for the adjacent residential land use.

**MITIGATION MEASURES**

No mitigation measures are required.

**Findings**

The project would have no additional project-specific environmental effects relating to Noise.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<p><u>9. PUBLIC SERVICES</u></p> <p>Would the project result in the need for new or altered services related to fire protection, police protection, school facilities, roadway maintenance, or other governmental services beyond what was anticipated in the 2030 General Plan?</p>			X

**ENVIRONMENTAL SETTING**

The Department of Parks and Recreation provides park and recreation services including Department Administrative Services, Park Operations Services, Park Planning and Development Services, and Recreation and Community Services. The City of Sacramento Fire Department provides fire protection, and the City of Sacramento Police Department provides police protection.

**STANDARDS OF SIGNIFICANCE**

For the purposes of this Initial Study, an impact would be considered significant if the project resulted in the need for new or altered services related to fire protection, police protection, school facilities, roadway maintenance, or other governmental services beyond what was anticipated in the 2030 General Plan.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR evaluated the potential effects of the 2030 General Plan on various public services. These include parks (Chapter 6.9) and police, fire protection, schools, libraries and emergency services (Chapter 6.10).

The general plan provides that adequate staffing levels for police and fire are important for the long-term health, safety and well-being of the community (Goal PHS 1.1, PHS 2.1). The Master EIR concluded that effects would be less than significant.

General plan policies that call for the City to consider impacts of new development on schools (see, for example, Policy ERC 1.1.2 setting forth locational criteria, and Policy ERC 1.1.5 that encourages joint-use development of facilities) reduced impacts on schools to a less-than-significant level. Impacts on library facilities were also considered less than significant (Impact 6.10-8).

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

**ANSWERS TO CHECKLIST QUESTION**

The proposed project will require maintenance including cleaning and repair of facilities and weed control. The Department of Parks and Recreation has established regular maintenance programs for parks and trails in North Natomas. The proposed project would not require public services maintenance beyond what is normally required for a Ballfield Complex. The proposed project will not result in effects to existing schools or require new school facilities. The Ballfield Complex is expected to be constructed in phases, as funding is made available.

**MITIGATION MEASURES**

No mitigation measures required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Public Services.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
10. <u>RECREATION</u> Would the project:			
A) Cause or accelerate substantial physical deterioration of existing area parks or recreational facilities?			X
B) Create a need for construction or expansion of recreational facilities beyond what was anticipated in the 2030 General Plan?			X

**ENVIRONMENTAL SETTING**

The proposed project site is located within the North Natomas Regional Park adjacent to recreational, open space, residential, and commercial uses. Currently, 35.05 acres has been developed at North Natomas Regional Park, including a lake, landscaping, dog park, bridges, walkways, and bikeways adjacent to the detention basin and drainage canals. The Ballfield Complex is identified in the City’s Parks and Recreation Master Plan.

**STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, impacts to recreational resources are considered significant if the proposed project would do either of the following:

- cause or accelerate substantial physical deterioration of existing area parks or recreational facilities; or
- create a need for construction or expansion of recreational facilities beyond what was anticipated in the 2030 General Plan.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

Chapter 6.9 of the Master EIR considered the effects of the 2030 General Plan on the City’s existing parkland, urban forest, recreational facilities and recreational services. The general plan identified a goal of providing an integrated park and recreation system in the City (Goal ERC 2.1). New residential development will be required to dedicate land, pay in-lieu fees or otherwise contribute a fair share to the acquisition and development of parks and recreation facilities. (Policy ERC 2.2.4) Impacts were considered less than significant after application of the applicable policies. (Impacts 6.9-1 and 6.9-2)

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None required.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A AND B**

The project would provide additional recreation amenities to the North Natomas area and create additional opportunities for active recreation in the region. The project is intended to help meet the demand for recreational facilities as identified in the 2030 General Plan.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Recreation.

Issues:	Effect remains significant with all identified mitigation	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>11. TRANSPORTATION AND CIRCULATION</b>			
Would the project:			
A) Roadway segments: degrade peak period Level of Service (LOS) from A,B,C or D (without the project) to E or F (with project) or the LOS (without project) is E or F, and project generated traffic increases the Volume to Capacity Ratio (V/C ratio) by 0.02 or more.			X
B) Intersections: degrade peak period level of service from A, B, C or D (without project) to E or F (with project) or the LOS (without project) is E or F, and project generated traffic increases the peak period average vehicle delay by five seconds or more.?			X
C) Freeway facilities: off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway; project traffic increases that cause any ramp's merge/diverge level of service to be worse than the freeway's level of service; project traffic increases that cause the freeway level of service to deteriorate beyond level of service threshold defined in the Caltrans Route Concept Report for the facility; or the expected ramp queue is greater than the storage capacity?			X
D) Transit: adversely affect public transit operations or fail to adequately provide for access to public?			X
E) Bicycle facilities: adversely affect bicycle travel, bicycle paths or fail to adequately provide for access by bicycle?			X
F) Pedestrian: adversely affect pedestrian travel, pedestrian paths or fail to adequately provide for access by pedestrians?			X

**ENVIRONMENTAL SETTING**

Regional access to the project site is provided via Interstate 5 (I-5). Primary local access to the project site is provided via the following roadways:

- Truxel Road – Natomas Boulevard. This roadway is a major north-south arterial that provides access to the project site and extends southerly from Elk Horn Boulevard to an interchange at Interstate 80 (I-80) and continues into South Natomas. North of Del Paso Road, it is known as Natomas Boulevard and is a 2-4 lane facility. South of Del Paso Road, it is known as Truxel Road and is an 8 lane facility to I-80.
- Del Paso Road. This roadway is an east-west 4 lane roadway that provides access to the project site. The roadway extends from Powerline Road to an interchange at I-5 and continues east to Northgate Boulevard, where it continues as Main Avenue into the Robla area of Sacramento.

Figure 6.12-3 in the MEIR for the General Plan shows the Level of Service for the road segments of Truxel Road/Natomas Blvd between North Bend Drive and Del Paso Rd at LOS A-C.

#### **STANDARDS OF SIGNIFICANCE**

For purposes of this Initial Study, impacts resulting from changes in transportation or circulation may be considered significant if construction and/or implementation of the Proposed Project would result in the following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan MEIR:

#### **Roadway Segments**

- A) the traffic generated by a project degrades peak period Level of Service (LOS) from A,B,C or D (without the project) to E or F (with project) or
- B) the LOS (without project) is E or F, and project generated traffic increases the Volume to Capacity Ratio (V/C ratio) by 0.02 or more.

#### **Intersections**

- the traffic generated by a project degrades peak period level of service from A, B, C or D (without project) to E or F (with project) or
- the LOS (without project) is E or F, and project generated traffic increases the peak period average vehicle delay by five seconds or more.

#### **Freeway Facilities**

Caltrans considers the following to be significant impacts.

- off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway;
- project traffic increases that cause any ramp's merge/diverge level of service to be worse than the freeway's level of service;
- project traffic increases that cause the freeway level of service to deteriorate beyond level of service threshold defined in the Caltrans Route Concept Report for the facility; or
- the expected ramp queue is greater than the storage capacity.

### **Transit**

- adversely affect public transit operations or
- fail to adequately provide for access to public transit.

### **Bicycle Facilities**

- adversely affect bicycle travel, bicycle paths or
- fail to adequately provide for access by bicycle.

### **Pedestrian Circulation**

- adversely affect pedestrian travel, pedestrian paths or
- fail to adequately provide for access by pedestrians.

## **SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

Transportation and circulation were discussed in the Master EIR in Chapter 6.12. Various modes of travel were included in the analysis, including vehicular, transit, bicycle, pedestrian and aviation components. The analysis included consideration of roadway capacity and identification of levels of service, and effects of the 2030 General Plan on the public transportation system. Provisions of the 2030 General Plan that provide substantial guidance include Goal Mobility 1.1, calling for a transportation system that is effectively planned, managed, operated and maintained, promotion of multimodal choices (Policy M 1.2.1), identification of level of service standards (Policy M 1.2.2), development of a fair share funding system for Caltrans facilities (Policy M 1.5.6) and development of complete streets (Goal M 4.2).

While the general plan includes numerous policies that direct the development of the City's transportation system, the Master EIR concluded that the general plan development would result in significant and unavoidable effects. See Impacts 6.12-1, 6.12-8 (roadway segments in the City), Impacts 6.12-2, 6.12-9 (roadway segments in neighboring jurisdictions), and Impacts 6.12-3, 6.12-10 (freeway segments).

## **MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None.

## **ANSWERS TO CHECKLIST QUESTIONS**

Some traffic will be generated by construction vehicles during project construction. Since the majority of the construction work is located off-street, it would not to impact area roadways, intersections, transit lines, or freeway facilities. Lane blockages during project construction would result in temporary alterations in bicycle and pedestrian circulation. Such an effect would inconvenience people who use those bikeways and sidewalks. However, only minor short-term construction would occur.

The Ballfield Complex is a regional recreation resource. Traffic generation is mostly on the

weekends and weekday evenings (after pm peak hours). It is anticipated that the trip generation rate will average at 4.57 per acre. The traffic generated by the proposed project is not expected to degrade peak period Level of Service (LOS) beyond the current conditions. (pers. comm. Samar Hajeer, Oct. 6, 2011)

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Transportation and Circulation.

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>12. UTILITIES AND SERVICE SYSTEMS</b>			
Would the project:			
A) Result in the determination that adequate capacity is not available to serve the project's demand in addition to existing commitments?			X
B) Require or result in either the construction of new utilities or the expansion of existing utilities, the construction of which could cause significant environmental impacts?			X

**STANDARDS OF SIGNIFICANCE**

For the purposes of this Initial Study, an impact would be considered significant if the project resulted in the need for new or altered services related to fire protection, police protection, or school facilities beyond what was anticipated in the 2030 General Plan:

- result in the determination that adequate capacity is not available to serve the project's demand in addition to existing commitments or
- require or result in either the construction of new utilities or the expansion of existing utilities, the construction of which could cause significant environmental impacts.

**SUMMARY OF ANALYSIS UNDER THE 2030 GENERAL PLAN MASTER EIR, INCLUDING CUMULATIVE IMPACTS, GROWTH INDUCING IMPACTS, AND IRREVERSIBLE SIGNIFICANT EFFECTS**

The Master EIR evaluated the effects of development under the 2030 General Plan on water supply, sewer and storm drainage, solid waste, electricity, natural gas and telecommunications. See Chapter 6.11.

The Master EIR evaluated the impacts of increased demand for water that would occur with development under the 2030 General Plan. Policies in the general plan would reduce the impact

generally to a less-than-significant level (see Impact 6.11-1) but the need for new water supply facilities results in a significant and unavoidable effect (Impact 6.11-2). The potential need for expansion of wastewater treatment facilities was identified as having a significant and unavoidable effect (Impacts 6.11-4, 6.11-5). Impacts on solid waste facilities were less than significant (Impacts 6.11-7, 6.11-8). Implementation of energy efficient standards as set forth in Titles 20 and 24 of the California Code of Regulations for residential and non-residential buildings, would reduce effects for energy to a less-than-significant level.

**MITIGATION MEASURES FROM 2030 GENERAL PLAN MASTER EIR THAT APPLY TO THE PROJECT**

None available.

**ANSWERS TO CHECKLIST QUESTIONS**

The construction of the Ballfield Complex would not to change the capacity of the utilities which serve the North Natomas area. The Ballfield Complex is located outside of the drainage canal and existing service roads.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The project would have no additional project-specific environmental effects relating to Utilities and Service Systems.

**MANDATORY FINDINGS OF SIGNIFICANCE**

Issues:	Effect remains significant with all identified mitigation	Effect can be mitigated to less than significant	No additional significant environmental effect
<b>13. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u></b>			
A.) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X	
B.) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X
C.) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X	

**Answers to Checklist Questions**

**QUESTIONS A THROUGH C**

With mitigation measures in Biological Resources and Cultural Resources, the proposed project does not have the potential to significantly degrade the quality of the environment, including effects on wildlife species and effects on periods of history.

The proposed project was anticipated as a component of 2010 Parks and Recreation Master Plan. The 2030 General Plan anticipated recreational uses within this corridor. When impacts are considered along with or in combination with other impacts, the project related impacts are less than significant.

## **SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

---

The environmental factors checked below would potentially be affected by this project.

<input type="checkbox"/> Light and Glare	<input type="checkbox"/> Hazards
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Public Services
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Recreation
<input type="checkbox"/> Energy and Mineral Resources	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/>
<input type="checkbox"/> None Identified	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

---

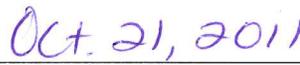
## SECTION V - DETERMINATION

---

**On the basis of the initial study:**

I find that (a) the proposed project is an anticipated subsequent project identified and described in the 2030 General Plan Master EIR; (b) the proposed project is consistent with the 2030 General Plan land use designation and the permissible densities and intensities of use for the project site; (c) that the discussions of cumulative impacts, growth inducing impacts, and irreversible significant effects in the Master EIR are adequate for the proposed project; and (d) the proposed project will have additional significant environmental effects not previously examined in the Master EIR. A Mitigated Negative Declaration will be prepared. Mitigation measures from the Master EIR will be applied to the project as appropriate, and additional feasible mitigation measures and alternatives will be incorporated to revise the proposed project before the negative declaration is circulated for public review, to avoid or mitigate the identified effects to a level of insignificance. (CEQA Guidelines Section 15178(b))

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Printed Name

## REFERENCES CITED

Air Resources Board, GHG Emission Inventory Summary (1990-2004)  
[http://www.arb.ca.gov/app/ghg/ghg\\_sector\\_data.php](http://www.arb.ca.gov/app/ghg/ghg_sector_data.php)

| City of Sacramento, 2009. *2030 General Plan*.

| City of Sacramento, 2008. *Sacramento 2030 General Plan Master Environmental Impact Report*

City of Sacramento, Department of Utilities. 2007. *Table 3-2 Stormwater Quality Control Measure Selection Matrix in the Stormwater Quality Design Manual*.

Institute for Transportation Engineers, Trip Generation 7<sup>th</sup> Edition

| Sacramento Metropolitan Air Quality Management District (SMAQMD) 2004. *Guide to Air Quality Assessment in Sacramento County*.

Attachment 1 – URBEMIS report

Page: 1

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Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name:

Project Name: North Natomas Regional Ballfield Complex

Project Location: Sacramento County AQMD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

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Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2007 TOTALS (lbs/day unmitigated)	3.56	29.70	15.53	0.00	90.00	1.49	91.50	18.80	1.37	20.17	2,358.81
2008 TOTALS (lbs/day unmitigated)	3.35	28.06	14.83	0.00	90.00	1.41	91.42	18.80	1.30	20.10	2,358.81
2012 TOTALS (lbs/day unmitigated)	1.84	10.87	8.49	0.00	0.01	0.92	0.93	0.00	0.85	0.85	1,207.18

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	0.12	0.02	1.55	0.00	0.01	0.01	2.81

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	0.02	0.01	0.12	0.00	0.02	0.00	12.83

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	0.14	0.03	1.67	0.00	0.03	0.01	15.64

Attachment 2 – Biological Report

**Biological Resources Assessment  
for North Natomas Regional Park Ballfield Complex  
City of Sacramento, Sacramento County, California**

Taylor Monument, USGS 7.5-minute Topographic Quadrangle Map  
Township 9 N, Range 4 E, Section 2  
APN 225-0040-090-0000

Prepared for:

**City of Sacramento**  
Environmental Planning Services  
Community Development Department  
300 Richards Blvd., 3<sup>rd</sup> Floor  
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Prepared by:

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916.447.1100  
Contact: Angela C. McIntire, J.D.



Michael Brandman Associates

Report Date: September 9, 2011

Survey Date: July 13, 2011

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## SECTION 1: SUMMARY

This report was prepared to document the existing conditions within the project site and to provide mitigation in accordance with the Natomas Basin HCP. In particular, this specific take minimization has been developed to ensure that conservation measures set forth in the NBHCP are implemented.

A reconnaissance-level biological resources study was conducted to document the existing biological conditions for the proposed North Natomas Regional Park Ballfield Complex located in the City of Sacramento, Sacramento County, California. The proposed project consists of the development of: One 200-foot Little League Field; One 200-foot Youth Softball Field; One 300-foot Adults Softball Field with Lighted Field; as well as related park infrastructure.

There were no federally or state-listed endangered or threatened species directly observed during the surveys.

Based on MBA's literature review, 18 sensitive wildlife species have been previously recorded within five miles of the Ballfield Complex project site or identified within the Natomas Basin HCP. No sensitive wildlife species were observed during the reconnaissance-level survey. There is suitable foraging habitat, but no nesting habitat for the following species within the vicinity of the project sites:

- Bank swallow (*Riparia riparia*)
- Burrowing owl (*Athene cunicularia*);
- Swainson's hawk (*Buteo swainsoni*); and
- White tailed kite (*Elanus leucurus*).

The project sites contain suitable habitat for ground nesting migratory birds. If any ground disturbance is to take place during the nesting bird season (February – August), a 30-day preconstruction nesting bird survey should be conducted to reduce impacts to migratory birds protected under the Migratory Bird Treaty Act (MBTA).

No waters of the United States or waters of the state were observed within the project area. Therefore, no regulatory permits are required for impacts to drainage features.

The project area consists of non-native ruderal vegetation and regularly disked fields, surrounded by urban development. There is no connectivity to adjacent natural habitats associated with the project sites. Therefore, the project sites are not utilized as an important wildlife corridor.

## SECTION 2: INTRODUCTION

At the request of the City of Sacramento, Michael Brandman Associate (MBA) conducted a biological resources study to document the existing conditions for the proposed North Natomas Regional Park Ballfield Complex located within the City of Sacramento, Sacramento County, California. This report provides a detailed description of existing biological conditions including vegetation communities and common plant and wildlife species. The information contained herein is intended to provide a baseline for which subsequent evaluations can be made of potential biological resource impacts associated with the North Natomas Regional Park Ballfield Complex, based upon the environmental policies and regulations discussed in Appendix D, including the Clean Water Act (CWA), the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), CEQA, and the Natomas Basin Habitat Conservation Plan (Natomas Basin HCP). The North Natomas Regional Park Ballfield Complex site and the immediate vicinity was surveyed on foot in order to account for any potential project related impacts that may occur during construction.

---

### 2.1 - Project Site Location

---

The project site is located at 2700 North Park Drive, Sacramento, California and is north of New Market Drive, south of North Park Drive, east of Town Center Drive, and west of Natomas Boulevard (Exhibit 1). The North Natomas Regional Park Ballpark Complex can be found on the Taylor Monument, California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle map (Exhibit 2). The project site is found within township 9 north, range 4 east, in Section 2 (Exhibit 3). The APN for the project site is 225-0040-090-0000.

---

### 2.2 - Project Description

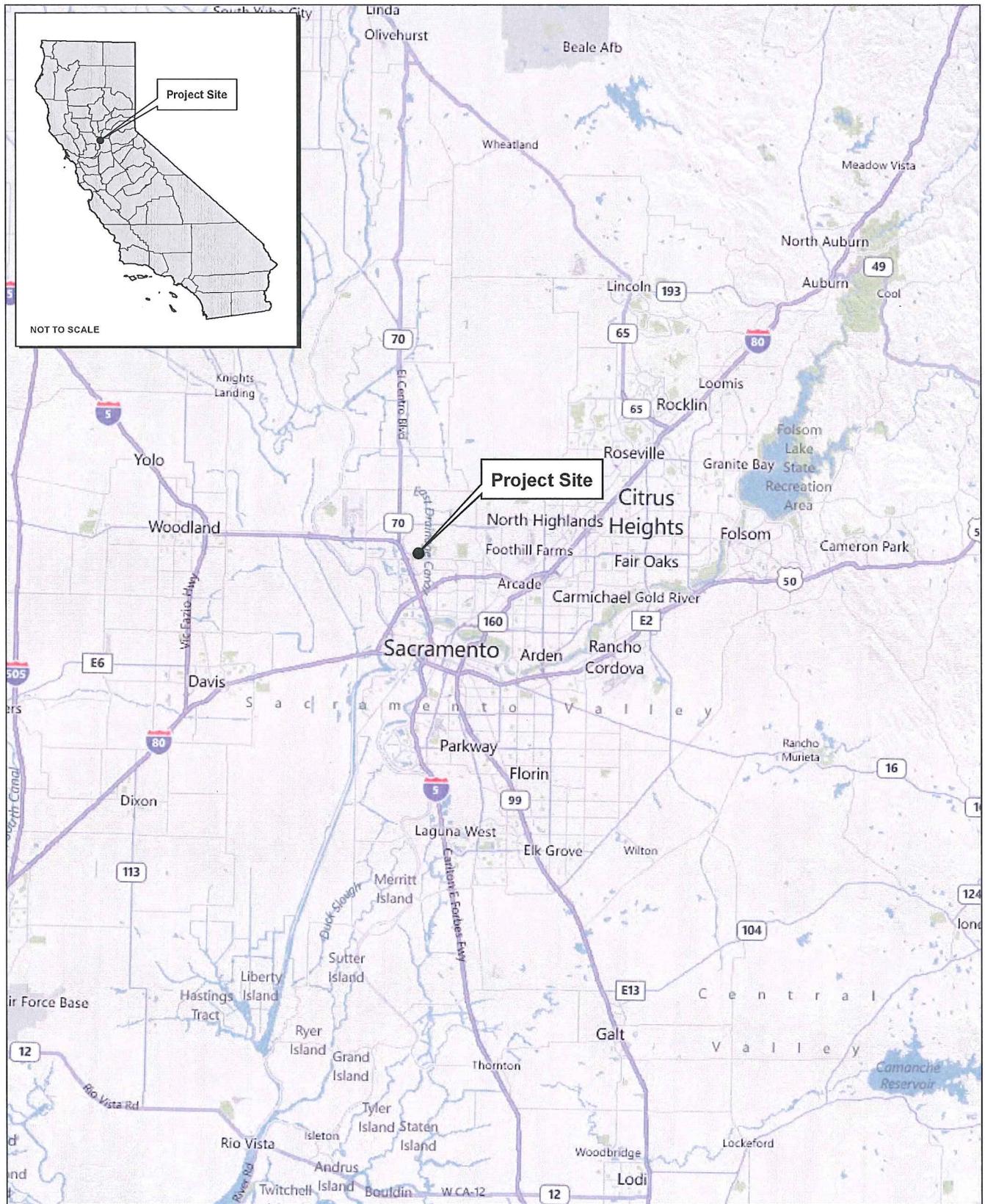
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The proposed project consists of the development of:

- One 200-foot Little League Field
- One 200-foot Youth Softball Field
- One 300-foot Adults Softball Field with Lighted Field

All ball fields would include bleachers, a scorer's table, bullpens, and shade structures over the dugouts. The Ballfields Complex would also have an entry plaza with enhanced paving, seating, and a unique entry monument signage that would provide a sense of arrival. New walking paths would connect new ball fields and parking to the existing dog park and bike trail. The central plaza shall consist of enhanced paving, large shade trees, and informal picnic area to accommodate approximately 75 people. A group picnic area shall be covered with metal roof structure and accommodate approximately 50 people with picnic tables and a large group barbecue. The Complex would include a themed adventure playground that would provide children with activities other than the sports fields. Adjacent to the adventure play area would be an interactive water mister area, with

seating for chaperones. A parking lot with 148 parking spaces, an additional five accessible parking spaces, and one van accessible stall will be constructed. Automatic parking lot gates will be provided at the entry to secure the park during non-operational hours. Solar lighting shall be used to illuminate the parking lot. Tree plantings designed to provide 50-percent shading of parking lot within 15 years per City of Sacramento Parking Lot Guidelines. Bio-swales consisting of river rock and vegetation will be designed to filter surface runoff from the parking lot and remove silt and pollution before releasing it to the watershed or stormwater system. All trees, shrubs, and groundcover shall be native or low water use plants. The North Natomas Regional Park Ballfield Complex Schematic Plan is provided in Exhibit 4.



Source: CaSIL, MBA GIS (2011).

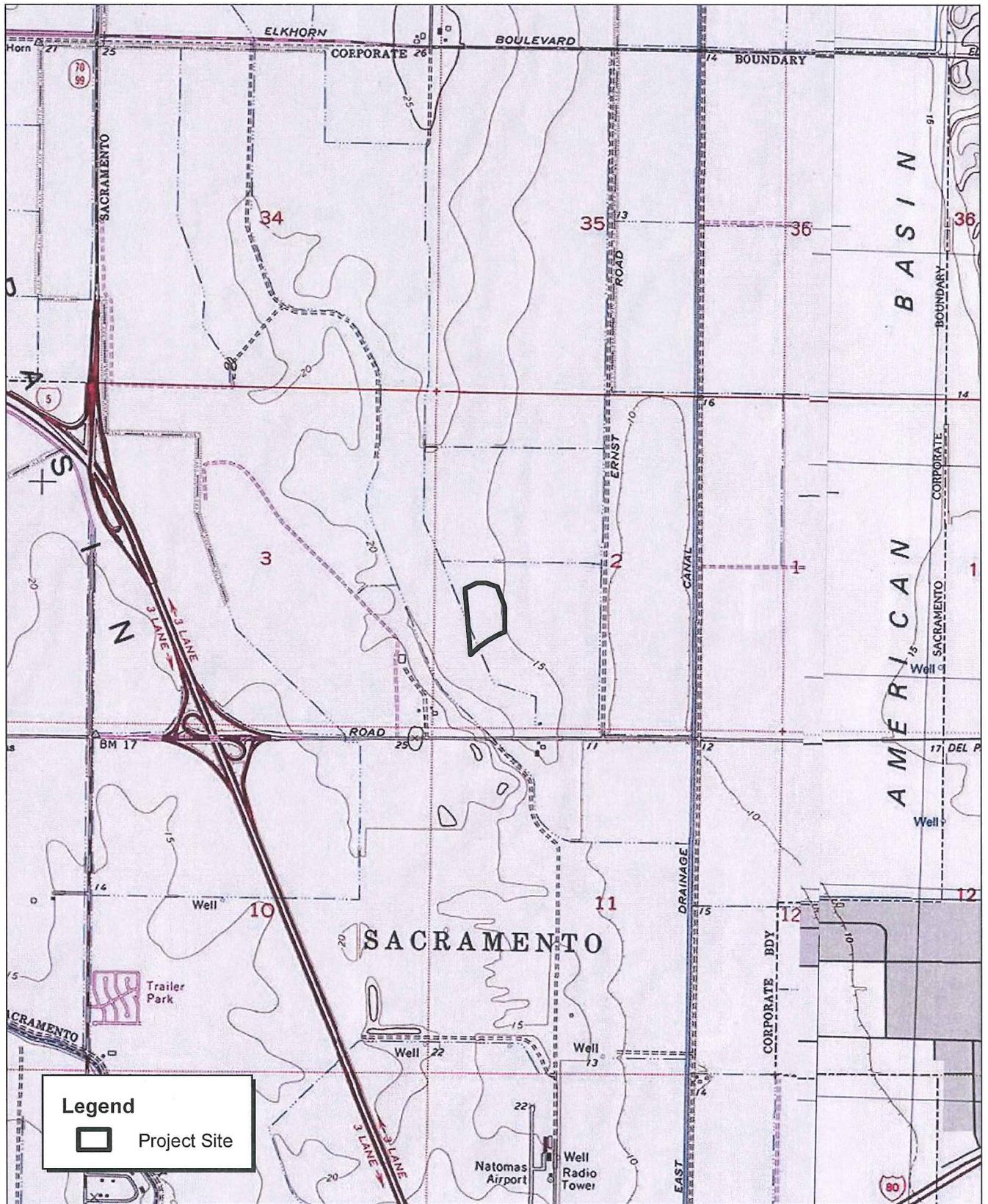


16600013 • 07/2011 | 1\_regional.mxd



## Exhibit 1 Regional Location Map

CITY OF SACRAMENTO • NORTH NATOMAS REGIONAL PARK BALLPARK COMPLEX  
BIOLOGICAL RESOURCES ASSESSMENT



Source: ESRI USA Topographic Map



Michael Brandman Associates  
16600013 • 07/2011 | 2\_local\_topo.mxd



## Exhibit 2 Local Vicinity Map Topographic Base

CITY OF SACRAMENTO • NORTH NATOMAS REGIONAL PARK PHASE 2  
BIOLOGICAL RESOURCES ASSESSMENT



Source: ESRI World Imagery.



16600013 • 07/2011 | 3\_aerial.mxd



### Exhibit 3 Local Vicinity Aerial Base



# North Natomas Regional Park Ballfield Complex Schematic Plan

JUNE 2011  
The City of Sacramento  
Parks and Recreation Department

Source: City of Sacramento Parks and Recreation Department.



Michael Brandman Associates

16600013 • 07/2011 | 4\_Schematic\_Plan.mxd

## Exhibit 4 Schematic Plan

CITY OF SACRAMENTO • NORTH NATOMAS REGIONAL PARK BALLPARK COMPLEX  
BIOLOGICAL RESOURCES ASSESSMENT

## SECTION 3: METHODOLOGY

Analysis of the biological resources associated with the project site began with a thorough review of relevant literature followed by a reconnaissance-level field survey. The primary objective of the survey is to document existing site conditions and determine the potential presence of sensitive biological resources.

For the purpose of this report, sensitive species refers to all species formally listed as threatened and/or endangered under the ESA and CESA, California Species of Special Concern, designated as Fully Protected by CDFG; given a status of 1A, 1B, or 2 by the California Native Plant Society (CNPS); or designated as sensitive by City, County, or other regional planning documents. Federal and state listed threatened and/or endangered species are legally protected under the ESA. The remaining species mentioned above have no direct legal protection, but require a significance analysis under CEQA guidelines.

---

### 3.1 - Literature Review

---

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the project site, as well as the surrounding area.

#### 3.1.1 - Existing Environmental Documentation

As part of the literature review, MBA examined existing environmental documentation for the project site and local vicinity. This documentation included biological studies for the area, literature pertaining to habitat requirements of special status species potentially occurring near the site, as well as federal register listings, protocols, and species data provided by the USFWS and CDFG. These and other documents are listed in Section 8 below.

#### 3.1.2 - Natomas Basin Habitat Conservation Plan

As part of the literature review, MBA reviewed the existing 2003 Natomas Basin Habitat Conservation Plan (Natomas Basin HCP) which applies to the 53,341-acre interior of the Natomas Basin, located in the northern portion of Sacramento County and the southern portion of Sutter County. The Natomas Basin HCP establishes a multi-species conservation program to mitigate the expected loss of habitat values and incidental take of protected species that would result from urban development, operation of irrigation and drainage systems, and rice farming. This is also presented in Section 8 below with sources from the literature review.

#### 3.1.3 - Topographic Maps and Aerial Photographs

MBA reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general

watershed information, and potential drainage feature locations. Aerial photographs provide an aerial perspective of the most current site conditions with regard to on-site and off-site land-use, plant community locations, and potential locations of wildlife movement corridors. In addition, historical aerial photographs from the last ten years were reviewed to provide a greater understanding of the proposed project's land use, plant community locations, and potential locations of wildlife movement corridors as these elements transitioned over time.

#### **3.1.4 - Soil Surveys**

Many sensitive plant species have a limited distribution based exclusively on soil type. The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series that occur within a particular area. A soil series is a group of soils with similar profiles. These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units, which provide specific information regarding soil characteristics. Pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to establish if soil conditions onsite are suitable for any sensitive plant species.

#### **3.1.5 - Sensitive Species Database Search**

MBA compiled a list of threatened, endangered, and otherwise sensitive species previously recorded to occur near the project site. The list was based on a search of the CDFG's California Natural Diversity Database (CNDDDB), a sensitive species and plant community account database and the CNPS's Electronic Inventory of Rare and Endangered Vascular Plants of California database for the USGS 7.5-minute topographic quadrangle maps containing the project site and immediate vicinity.

The CNDDDB GIS database along with ArcGIS software was used to determine the distance between known recorded occurrences of sensitive species and the project site.

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### **3.2 - Reconnaissance-Level Field Survey**

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MBA biologists and regulatory specialists Robert Francisco and Angela McIntire conducted the reconnaissance-level field survey on July 13, 2011. Special attention was paid to sensitive habitats or those areas potentially supporting sensitive floral and faunal species.

The reconnaissance-level survey was conducted on foot during daylight hours. The survey was conducted by walking the proposed Ballfield Complex location and the areas within 500 feet of the Ballfield Complex. The object of the survey was to ascertain general site conditions and identify potentially suitable habitat areas for various sensitive plant and wildlife species.

### 3.2.1 - Plant Communities

The plant communities within the project site were classified according to Holland's "Preliminary Descriptions of the Terrestrial Natural Communities of California" (1986 and 1996 update) and cross-referenced with CDFG's List of Terrestrial Natural Communities (2003).

### 3.2.2 - Plant Species

Common plant species observed during the reconnaissance-level survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified offsite using taxonomical guides. A list of all species observed on the project site was compiled from the survey data, shown in Appendix A. Taxonomic nomenclature used in this study follows Hickman (1993). Common plant names, when not available from Hickman (1993), were taken from other regionally specific references. In this report, scientific names are provided immediately following common names of plant species for the first reference only.

### 3.2.3 - Wildlife Species

Wildlife species detected during the reconnaissance-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding suitable habitat for those sensitive species determined to potentially occur within the project site. Appropriate field guides were used to assist with species identification during surveys. Common names of wildlife species are standard; however, scientific names are provided immediately following common names for the first reference only. Appendix A lists all wildlife species observed or detected on the site during the survey.

### 3.2.4 - Jurisdictional Waters and Wetlands

Prior to conducting the site visit, MBA's biologists reviewed USGS topographic maps and aerial photography to identify any potential natural drainage features and water bodies. In general, all surface drainage features indicated as blue-line streams on USGS maps and linear patches of vegetation expected to exhibit evidence of flows are considered potentially subject to state and federal regulatory authority as "waters of the US and/or state." The assessment was not intended as a formal delineation of waters of the United States (U.S.) or State but rather to identify areas that may require a formal delineation.

### 3.2.5 - Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat, separating different populations of a single species. Corridors effectively act as links between these populations.

The project site was evaluated for evidence of a wildlife movement corridor. However, the scope of the biological resources study did not include a formal wildlife movement corridor study utilizing

track plates, camera stations, scent stations, or snares. The focus of this study was to determine if the alteration of current land use on the site would have significant impacts on the regional movement of wildlife. These conclusions are based on the information compiled from the literature review, including, aerial photographs, USGS topographic maps, and resource maps for the vicinity, the field survey, and knowledge of desired topography and resource requirements for wildlife potentially utilizing the project site and vicinity.

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### **3.3 - Problems and Limitations**

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The reconnaissance-level survey was conducted in the summer. The Ballfield Complex site was vegetated with mustard and non-native grasses. It is highly unlikely that early spring annual species were identifiable during the surveys. The project site appears to be disked regularly to prevent wildfires from occurring near the adjacent residential development. Also, many mammal species are nocturnal and would not be active during any portion of the reconnaissance-level survey.



## SECTION 4: EXISTING CONDITIONS

The reconnaissance-level field survey was conducted on July 13, 2011 from 2:00 p.m. to 3:15 p.m. Weather conditions during the field survey included temperatures ranging from 78 to 80 degrees Fahrenheit, with clear skies and winds from the south between 1 and 5 miles per hour. There was no recordable rain in the region for sixteen days prior to conducting the survey.

### 4.1 - Environmental Setting

The project sites are comprised of flat areas that have historically been used for row crops and have been since taken out of production with the increased development of the area. The project sites are surrounded in all directions by urban development (institutional, commercial, and residential).

#### 4.1.1 - Topographic Features

The project site is comprised of relatively flat, vacant land. The Ballfield Complex is approximately 19 feet above sea level (asl).

#### 4.1.2 - Soils

The Sacramento County soil surveys provide soils data for the project sites including two independent soils series: Clear Lake Clay and Jacktone Clay.

##### Clear Lake Clay

Clear Lake Clay consists of deep and very deep, poorly drained and somewhat poorly drained soils in basins and along drainageways. These artificially drained soils are deep over a duripan or very deep over stratified material. When the soil is dry, deep cracks form. Vegetation in uncultivated areas is mainly annual grasses and forbs. They are formed in fine textured alluvium derived from mixed rock sources, and have slope ranges from 0 to 2 percent and an annual precipitation of 15 to 17 inches.

##### Jacktone Clay

The Jacktone Clay consists of somewhat poorly drained soils in high areas on basins. These soils are moderately deep over a duripan and are protected against flooding by a system of levees and large upstream dams. They are artificially drained and are formed in fine textured alluvium derived from mixed rock sources. Vegetation found on this soil is mainly composed of grasses and forbs. Jacktone Clay has a slope range of 0 to 2 percent and an annual precipitation of about 16 to 18 inches.

#### 4.1.3 - Onsite Hydrology

One dry, abandoned manmade Reclamation District-1000 irrigation ditch is found in the southwest corner of the proposed Ballfield Complex project site. It is bisected by the existing paved bicycle path and has does not appear to have been used for some time. There is no hydrological connection to any nearby waterbodies and the vegetation within the ditch was upland in nature. Aerial photos

within the past decade were reviewed to identify when it was still in use; upon review, it appears the ditch was abandoned sometime between the late 1990s and early 2000s.

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## 4.2 - Plant Communities

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The project site consists of a regularly disked vacant lot with ruderal vegetation. Representative photos of the communities can be found in Appendix C.

The area is dominated by non-native forbs including short pod mustard (*Hirschfeldia incana*). The dried mustard was approximately 3 ft high with very little diversity. There were some non-native grasses including wild oats (*Avena fatua*), soft brome (*Bromus hordeaceus*), milk thistle (*Silybum marianum*) and rat-tail fescue (*Vulpia myuros*).

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## 4.3 - Wildlife

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The plant communities discussed above provide very limited habitat for local wildlife species. In addition, the site is surrounded by urban development and bordered by a regularly used paved bike path and New Market Drive. The following are brief discussions of wildlife species observed within the project site during the field survey.

### 4.3.1 - Amphibians

No amphibians were observed within the Ballfield Complex project area. There is no suitable natural aquatic habitat for amphibians within the project area.

### 4.3.2 - Reptiles

No reptiles were observed within the Ballfield Complex project area during the reconnaissance-level survey.

### 4.3.3 - Birds

The project area contains regularly disked grassland habitat found on a vacant lot surrounded by urban development; avian species are expected to utilize the site are those commonly associated with grasslands. Birds observed include common raven (*Corvus corax*), redtail hawk (*Buteo jamaicensis*), western meadowlark (*Sturnella neglecta*), and house finch (*Carpodacus mexicanus*).

### 4.3.4 - Mammals

There were no mammals observed, with the exception of dogs on their way to the adjacent dog park with their owners. There were no mammal burrows observed within the project area. This is potentially due to the disking of the proposed project site as a means of fire prevention.

## SECTION 5: SENSITIVE BIOLOGICAL RESOURCES

Based on the results of the literature review and reconnaissance-level field survey, MBA documented existing site conditions and determined if sensitive biological resources occur or potentially occur within the project site.

### 5.1 - Sensitive Plant Communities

Plant communities are potentially sensitive biological resources based on federal, state, or local laws regulating their development, limited distributions, and habitat requirements of sensitive plants or wildlife species that occur within them. Sensitive plant communities recorded near the project site include Northern Claypan Vernal Pool and Northern Hardpan Vernal Pool; neither of these sensitive plant communities was observed onsite. The project site contains no sensitive plant communities.

### 5.2 - Sensitive Plant Species

The Sensitive Plant Species Table (Table 1) identifies the federal and State listed threatened, endangered plant species, Natomas Basin HCP, and CNPS sensitive species that have a high, moderate, or low potential to occur within the project site. The table also includes the species' status and required habitat. It is important to note that all sensitive plant species that have been determined not likely to occur onsite, primarily based on the absence of suitable habitat and a recorded occurrence in the vicinity of the site, have been excluded from further analysis within this study.

Based on MBA's literature review, which included review of the Natomas Basin HCP, 9 sensitive plant species have been previously recorded within five miles of the project site. No sensitive plant species were observed during the reconnaissance-level survey. The project sites do not contain suitable habitat for sensitive plant species.

#### 5.2.1 - Threatened or Endangered Species

None of the sensitive plant species has a high or moderate potential to occur on the project site. This is due the high level of disturbance and maintenance at each well site.

#### 5.2.2 - California Native Plant Society List Species

There are no CNPS List species that have a moderate or high potential to occur within the project site due to a lack of suitable habitat.

#### 5.2.3 - Natomas Basin HCP Species

There are no Natomas Basin HCP plant species that have a moderate or high potential to occur within the project site due to a lack of suitable habitat. A discussion of plant species covered within the Natomas Basin HCP is as follows.

### **Delta Tule Pea (*Athyrus jepsonii* var. *jepsonii*)**

The Delta Tule Pea, a CNPS 1B.2, is a perennial herb that is found in brackish water marshes and freshwater marshes and swamps in the San Joaquin and Central Valleys as well as the Bay Area. It is not known to occur in the Natomas Basin but is considered to potentially become established in the future. Because there is no marsh habitat within the proposed project area, there is no suitable habitat for this species.

### **Sanford's Arrowhead (*Sagittaria sanfordii*)**

Sanford's arrowhead is a perennial herb in the water-plantain family and is a CNPS 1B.2. It is associated with marshes and shallow freshwater habitats in elevations of usually less than 900 feet. It is not currently known to occur within the Natomas Basin but is considered to potentially become established in the future. Because there is no marsh habitat within the proposed project area, there is no suitable habitat for this species.

### **Boggs Lake Hedge-Hyssop (*Gratiaola heterosepala*)**

A State listed endangered species and CNPS 1B.2, the Boggs Lake hedge-hyssop is a small, semi-aquatic, herbaceous annual. It occurs in shallow waters or moist clay (adobe) soils, in vernal pools, and along lake margins. Populations are usually composed of scattered individuals. While this species is not currently known to occur within the Natomas Basin HCP area, it is considered to be potentially established in the future. Because there is no shallow waters within the proposed project area, there is no suitable habitat for this species.

### **Sacramento Orcutt Grass (*Orcuttia viscida*)**

Listed as an Endangered species both federally and by the state and a CNPS 1B.1, Sacramento orcutt grass is a gray-green annual grass species. It is typically found in medium to large vernal pools with relatively long inundation periods. The species is associated with old alluvial surfaces, such as historic floodplains of pre-historic rivers and creeks. Associated species include vernal pool endemic plants such as common spikerush (*Eleocharis macrostachya*) and coyote thistle (*Eryngium vaseyi*). While this species is not currently known to occur within the Natomas Basin HCP area, it is considered to be potentially established in the future. Because there are no vernal pools within the proposed project area, there is no suitable habitat for this species.

### **Slender Orcutt Grass (*Orcuttia viscida*)**

Slender orcutt grass is listed as Threatened under the federal ESA and Endangered under the State ESA and a CNPS 1B.1. It is a gray-green annual grass species, approximately 3 to 5 inches in height. It is typically found in medium to large vernal pools with relatively long inundation periods. The species is associated with old alluvial surfaces, such as historic floodplains of pre-historic rivers and creeks. Associated species include vernal pool endemic plants such as common spikerush (*Eleocharis macrostachya*) and coyote thistle (*Eryngium vaseyi*). While this species is not currently known to occur within the Natomas Basin HCP area, it is considered to be potentially established in

the future. Because there are no vernal pools within the proposed project area, there is no suitable habitat for this species.

#### **Colusa Grass (*Neostapfia colusana*)**

A federal threatened, state endangered species, and CNPS 1B.1, Colusa grass is a low (2 to 3 inch) tufted annual. It is usually found in fairly monotypic stands in the drying beds of larger vernal pools, usually occurring in the deepest portions of the pools. It usually occurs in the deepest portions of the pools. While this species is not currently known to occur within the Natomas Basin HCP area, it is considered to be potentially established in the future. Because there are no vernal pools within the proposed project area, there is no suitable habitat for this species.

#### **Legenere (*Legenere limosa*)**

A CNPS 1B.2, the legenere is an inconspicuous annual that is a member of the bellflower family. It is found along lakeshores and vernal pools, marshes, and other seasonally inundated habitats. While this species is not currently known to occur within the Natomas Basin HCP area, it is considered to be potentially established in the future. Because there are no seasonally inundated habitats found within the proposed project area, there is no suitable habitat for this species.

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### **5.3 - Sensitive Wildlife Species**

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The Sensitive Wildlife Species Table (Table 2) identifies the federal and state listed threatened, endangered wildlife species, Natomas Basin HCP, and species of special concern that have a high, moderate, or low potential to occur within the project site. The table also includes the species' status and required habitat. It is important to note that all sensitive wildlife species that have been determined not likely to occur onsite, primarily based on the absence of suitable habitat and a recorded occurrence on the project site, have been excluded from further analysis within this study.

Based on MBA's literature review, 18 sensitive wildlife species have been previously recorded within five miles of the Ballfield Complex project site or identified within the Natomas Basin HCP. No sensitive wildlife species were observed during the reconnaissance-level survey. There is suitable foraging habitat, but no nesting habitat for the following species within the vicinity of the project sites:

- Bank swallow (*Riparia riparia*)
- Burrowing owl (*Athene cunicularia*);
- Swainson's hawk (*Buteo swainsoni*); and
- White tailed kite (*Elanus leucurus*).

A discussion of each sensitive wildlife species recognized by the CNDDDB and MBA as potentially present on the site is presented in Table 2.

### 5.3.1 - Threatened or Endangered Species

None of the threatened or endangered wildlife that have a high or moderate potential to occur on the project site. This is due to the high level of disturbance and maintenance at each well site.

### 5.3.2 - Natomas Basin HCP Species

There are two Natomas Basin HCP wildlife species that have a moderate or high potential to occur within the project site due to a lack of suitable habitat. A discussion of wildlife species covered within the Natomas Basin HCP is as follows.

#### Giant Garter Snake (*Thamnophis gigas*)

Listed as a threatened species under the Federal and State endangered species acts, the giant garter snake is an endemic species of wetlands in the Central Valley of California. They inhabit agricultural wetlands and other waterways, such as irrigation and drainage canals, rice lands, marshes, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley. Because there are no suitable aquatic or riparian habitats found within the proposed project area, there is no suitable habitat for this species.

#### Swainson's Hawk (*Buteo swainsonii*)

A state-listed threatened species, the Swainson's hawk is a medium sized buteo that inhabits grassland plains and agricultural regions of western North America and is known to occur throughout the Central Valley. Typically this species is present in California during the breeding season (April through August) and winters outside of the U.S. in Mexico and South America, although some records exist of them wintering in the Sacramento-San Joaquin Delta. The Central Valley's breeding population has remained stable over the last decade.

Swainson's hawks are opportunistic foragers, feeding on prey such as small rodents and insects from fields, pastures and grasslands adjacent to their nest. They prefer to nest on large trees such as valley oak (*Quercus lobata*), cottonwood (*Populus fremontii*), or willow (*Salix goodingii*) which provide a wide view of their foraging area, although they will select smaller trees if large trees are unavailable. Nesting sites are often located in riparian areas and are generally associated with agricultural fields including hay, grain, row crops, rice, vineyards, and fallow fields. Most Swainson's hawk sitings in the Natomas Basin have occurred along the Sacramento River where large trees are available.

Swainson's hawks have been known to forage within the vicinity of the Natomas Basin. The Natomas Basin HCP Conservation Strategy is to both preserve Swainson's hawk habitat adjacent to the Sacramento River, while enhancing and expanding the hawk's habitat by ensuring the availability of suitable nesting trees and groves located near upland foraging habitat. Impacts to Swainson's hawks will be reduced through compliance with requirements of the Natomas Basin HCP and through identification of active raptor nests during a raptor survey conducted within 30-days of the project commencing activities.

Swainson's hawks prefer large nesting trees with a panoramic view of their foraging grounds. While there are no large trees available for nesting onsite, the grassland found within the proposed project area could provide suitable foraging habitat for this species. Foraging habitats, open fields, and grasslands, need to be within flying distance and adequate to support high densities of microtine rodent populations and birds which they feed. The project site's grasslands provide potential foraging habitat for Swainson's Hawk. Prey abundance and accessibility are the most important features determining the suitability of Swainson's hawk foraging habitat. Vegetation that is tall and dense enough to preclude the capture of prey does not provide suitable habitat except when made accessible via mowing or harvesting. The disking activities that occur on the project site have a substantial influence on the accessibility of prey and thus creates potential foraging opportunities for Swainson's hawk.

#### **Valley Elderberry Longhorn Beetle (VELB) (*Desmocerus californicus dimorphus*)**

The Valley Elderberry Longhorn Beetle (VELB) is a federally threatened species closely associated with the elderberry, an obligate host for beetle larvae. The presence of exit holes in elderberry stems indicates previous VELB habitat use. There are no known occurrences of VELB in the Natomas Basin HCP, however there has been extensive loss of riparian habitat over the past 150 years. No elderberry bushes were identified on the project site providing suitable habitat for this species.

#### **Tricolored Blackbird (*Agelaius tricolor*)**

A CDFG species of concern, the tricolored blackbird is commonly found in large flocks, foraging in marshes, rice fields, and wet meadows. Proximity to suitable foraging habitat such as flooded fields, grassy fields, and pond margins is an important factor in nest site selection. Historically, the nesting of the tricolored blackbird was in the millions, however with development and the conversion of pasturelands to vineyards and orchards, between the 1930s and 1970s, the population declined by approximately 50 percent. There is one colony of tricolored blackbirds on a 330-acre parcel owned by the Natomas Basin Conservancy. No suitable nesting habitat was identified onsite for this species.

#### **Aleutian Canada Goose (*Branta Canadensis leucopareia*)**

Although delisted by the USFWS in 2001, the Aleutian Canada goose is covered by the Natomas Basin HCP and is considered a federal species of concern and protected by the Migratory Bird Treaty Act. Wintering Aleutian Canada geese forage in agricultural fields supporting pasture, wheat, and rice crops, preferring to forage in short-cropped, dry, and irrigated pastureland and cornfields. There are no known occurrences of this species in the Natomas Basin HCP area, but the Aleutian Canada geese potentially stops in the Natomas Basin for brief periods during migration to and from their traditional wintering areas. No suitable foraging habitat was identified at the proposed project site for this species.

**White-faced Ibis (*Plegadis chihi*)**

A state species of special concern and a USFWS species of concern, the White-faced Ibis is found in mudflats and shallows in both fresh and brackish areas. The species has declined in California as a result of loss or deterioration of extensive marshes in the Central Valley, which are required for nesting. Large tule stands surrounded by open water provide high-quality nesting habitat for this species, however it will sometimes nest in trees with other colonial-nesting species. No suitable nesting habitat occurs in the Natomas Basin, though it is a common winter visitor. No suitable habitat for this species was observed onsite.

**Loggerhead Shrike (*Lanius ludovicianus*)**

This species is a CDFG species of special concern. It is a small bird of fields and grasslands that hunts from lookout perches such as fence posts or tree limbs, using a lookout spot to swoop down on insects, rodents, snakes, or smaller birds. Shrikes are most abundant near pastures, hedgerows, cornfields, and rural residential areas. No shrikes were observed onsite during the site visit, and no suitable nesting sites or fence posts or tree limbs to use for hunting were found onsite.

**Burrowing Owl (*Athene cunicularia hypugea*)**

Considered a species of concern by USFWS and a species of special concern by CDFG, the western burrowing owl is a yearlong resident of open, dry grassland and desert habitats throughout the California deserts, Central Valley, and coastal areas. It is associated with open lands including grasslands, rolling hills, desert floors, and open bare ground characterized by low-lying vegetation. The species utilizes rodent burrows, especially that of California ground squirrels, or artificial structures such as culverts for nesting. No ground squirrel burrows or burrowing owls were observed during the site visit and vegetation was dense, however field edges, culverts, and upland areas may present potential nesting and foraging habitat.

**Bank Swallow (*Riparia riparia*)**

A threatened species in the state, the bank swallow occurs in California during its breeding season (May through July) and winters in South America. The species is a colony nester and nests primarily in riparian and other lowland habitats west of the desert. This swallow requires vertical banks and cliffs with fine-textured and sandy soils to dig a nesting hole near streams, rivers, lakes, and oceans. The bank swallow uses holes dug in cliffs and riverbanks for cover; logs, shoreline vegetation, and telephone wires are also used for roosting. There is no suitable nesting habitat in the Natomas Basin nor the project site, however nearby nesting colonies have the potential to forage in the project area's grassland as they migrate.

**Northwestern Pond Turtle (*Clemmys marmorata marmorata*)**

Considered a species of concern by USFWS and a state species of concern, the northwestern pond turtle is a medium sized aquatic turtle that forages on plants, insects, worms, small fish, and carrion. It is a thoroughly aquatic species of ponds, marshes, rivers, and streams that favors low emergent

aquatic vegetation for cover, and logs or mud banks for basking. While highly aquatic, they leave the water for basking and egg-laying (which may occur along sandy wetland margins or upland locations as far as 1,300 feet from water). Generally, the canals throughout the Natomas Basin are considered suitable aquatic habitats for pond turtles, however there are no aquatic features on the project site and thus no suitable habitat for northwestern pond turtle onsite.

#### **California Tiger Salamander (*Ambystoma californiense*)**

A federal threatened species and state species of special concern, the California tiger salamander is a large, stocky salamander with small eyes, a broad rounded snout and tubercles on the undersides of the front and hind feet. Adults of this species spend a lot of time underground or under objects such as boards, rocks, brush, or other wood debris or in rodent burrows near water. They inhabit valley and foothill grasslands and open woodlands usually within one-mile of water. They breed in reservoirs, ponds, vernal pools, small lakes, and slow-flowing streams that do not support predatory fish. There are no known occurrences of this species within the Natomas basin, vernal pools occur along the eastern edge of the Basin, and the pools are considered potential, but marginal tiger salamander breeding habitat. Based on their lack of habitat onsite as well as the limited extent in the Natomas Basin HCP area, tiger salamanders are not likely to occur on the proposed Ballfield Complex site.

#### **Western Spadefoot Toad (*Scaphiopus hammondi*)**

A California species of special concern, the western spadefoot toad is a small toad that occurs in shallow, seasonal wetlands (which are essential for egg-laying) in valley and foothill grasslands, open chaparral, and pine woodlands below 3,000 feet in elevation. It is associated with seasonal wetlands and other temporarily ponded areas in low-lying grasslands, fields, washes, river floodplains, alluvial fans, alkali lakes and playas, but is also found in adjacent foothill and mountain habitats. Based on the lack of occurrence records, the marginal suitability of the available habitat in the Natomas Basin, and the lack of available habitat onsite, this species is considered not present.

#### **Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)**

This species of vernal pool shrimp is a federally threatened species, restricted to vernal pools in the State of California and is in danger of extinction as a result of loss of habitat from urban development, agricultural conversion, and random extinction by virtue of the isolated nature of remaining habitat. None of the species is known to occur in riverine waters, marine waters, or other permanent bodies of water. The vernal pool fairy shrimp is ecologically dependent on seasonal fluctuations in its habitat, such as the absence or presence of water during specific times of the year. There is no evidence of seasonal inundation or wetlands on the project site, as such, this species is considered not present.

#### **Vernal Pool Tadpole Shrimp (*Lepidurus packardii*)**

A federally listed endangered species, the vernal pool tadpole shrimp is associated with vernal pools on alluvial fans, basins, basin rims, floodplains, marine terraces, high terraces, stream terraces, very

high terraces, low terraces, and volcanic mudflow landforms. It has been observed in stock ponds, vernal pools, pools in old alluvial soil in grass bottom swales or mud-bottomed pools, and other seasonal wetlands. This species occurs with vernal pool fairy shrimp. There is no evidence of seasonal inundation or wetlands on the project site, as such, this species is considered not present.

**Midvalley Fairy Shrimp (*Branchinecta n. sp.*)**

The midvalley shrimp has no official state or federal listing; it is found in grassland pools and intermound pools within mound-intermound topography. This species has been found inhabiting the most ephemeral of seasonal wetland types, presumably due to its ability of rapid maturity. This species appears to be a vernal pool obligate species and is associated with the smallest and most ephemeral vernal pools. No occurrences of midvalley fairy shrimp are reported from the Natomas Basin Plan Area, and no evidence of seasonal inundation or wetlands on the project site, as such, this species is considered not present.

Table 1: Sensitive Plant Species

Scientific Name	Common Name	Status			Preferred Habitat	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
		ESA	CESA	CNPS			
<i>Downingia pusilla</i>	Dwarf downingia	None	None	2.2	Valley and foothill grassland (mesic); Vernal Pools	March – May	Low – No suitable habitat found within the project area
<i>Fritillaria agrestis</i>	Stinkbells	None	None	4.2	Clay soils, sometimes serpentine; Chaparral; Cismontane woodland; Pinyon and juniper woodland; Valley and foothill grassland	March – June	Low – No suitable habitat found within the project area
<i>Gratiola heterosepala*</i>	Boggs Lake hedge-hyssop	None	SE	1B.2	Clay; Marshes and swamps; Vernal pools	April – August	Low – No suitable habitat found within the project area
<i>Lathyrus jepsonii</i> var. <i>jepsonii*</i>	Delta tulle pea	None	None	1B.2	Marshes and swamps (both freshwater and brackish)	May - September	Low – No suitable habitat found within the project area
<i>Legenere limosa</i>	Legenere	None	None	1B.1	Vernal pools	April – June	Low – No suitable habitat found within the project area.
<i>Orcuttia californica</i> var. <i>viscida*</i>	Sacramento Orcutt Grass	FE	SE	1B.1	Vernal pools	April – July	Low – No suitable habitat found within the project area.
<i>Orcuttia tenuis*</i>	Slender Orcutt Grass	FT	SE	1B.1	Vernal pools	May – October	Low – No suitable habitat found within the project area.
<i>Neostapfia colusana*</i>	Colusa grass	FT	SE	1B.1	Large vernal pools (adobe)	May – August	Low – No suitable habitat found within the project area.
<i>Sagittaria sanfordii*</i>	Sanford's arrowhead	None	None	1B.2	Marshes, swamps, assorted shallow freshwater areas	May – October	Low – No suitable habitat found within the project area
ESA FE FT FPE FPT FC	Federally listed endangered Federally listed threatened Federally proposed endangered Federally proposed threatened Federal candidate	CESA SE ST SR	State listed endangered State listed threatened State listed rare		CNPS 1A Presumed extinct in California. 1B Rare, threatened, or endangered in California, but more common elsewhere. 2 Rare, threatened, or endangered in California, but more common elsewhere.		

Table 1 (cont.): Sensitive Wildlife Species

Species		Status			Preferred Habitat	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	ESA	CESA	CNPS			
<p><b>Species Present</b> - The species was observed on the project site at the time of the survey or during a previous biological survey.</p> <p><b>High Potential to Occur</b> - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the project site, within 3 miles.</p> <p><b>Moderate Potential to Occur</b> - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the project site, but there is not a recorded occurrence of the species within the immediate vicinity, within 3 miles. Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.</p> <p><b>Low Potential to Occur</b> - There is a historical record of the species in the vicinity of the project site and potentially suitable habitat onsite, but existing conditions, such as density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation, substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.</p>							
<p>*Species covered under the Natomas Basin HCP.</p>							

Table 2: Sensitive Wildlife Species

Scientific Name	Common Name	Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
		ESA	CESA	Other		
<b>Invertebrates</b>						
<i>Branchinecta n. sp.*</i>	Midvalley Fairy shrimp	None	None	None	Often found with vernal pool fairy shrimp; they are found in vernal pools and shallow depressions. They can survive if the pool's temperature is between 43 °F (6 °C) and 68 °F (20 °C).	Low – No suitable vernal pool habitat was found onsite.
<i>Branchinecta lynchi*</i>	Vernal pool fairy shrimp	FT	None	None	Vernal pool fairy shrimp are found in vernal pools and shallow depressions. They can survive if the pool's temperature is between 43 °F (6 °C) and 68 °F (20 °C).	Low – No suitable vernal pool habitat was found onsite.
<i>Desmocerus californicus dimorphus*</i>	Valley elderberry longhorn beetle	FT	None	None	Found on elderberry bushes along rivers and streams. Females lay their eggs on the bark and larvae hatch and burrow into the stems.	Low – No Elderberry bushes were identified onsite.
<i>Lepidurus packardii*</i>	Vernal pool tadpole shrimp	FE	None	None	Found in vernal pools and other seasonal wetlands that temporarily pond for a sufficient duration to maintain conducive water temperatures to allow the species to complete their life cycle (between 50 °F (10 °C) and 59 °F (15 °C).	Low – No suitable vernal pool habitat was found onsite.
<b>Fish</b>						
<i>Pogonichthys macrolepidotus</i>	Sacramento splittail	None	None	CDFG: CSC	Minnow native to the upper San Francisco Estuary and Central Valley. Primarily freshwater fish but can tolerate moderately salty water. Are found in slow-moving marshy sections of rivers and dead-end sloughs, though floodplains are important for spawning.	Low – No suitable aquatic habitat was found onsite.

Table 2 (cont.): Sensitive Wildlife Species

Species		Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	ESA	CESA	Other		
<b>Amphibians</b>						
<i>Ambystoma californiense</i> *	California tiger salamander	FT	Candidate SE	CDFG: CSC	Frequents grassland, oak savanna, and edges of mixed woodland and lower elevation coniferous forest where suitable aquatic breeding sites area present.	<b>Low</b> – No suitable aquatic breeding habitat was found onsite.
<i>Spea hammondi</i> *	Western spadefoot toad	None	None	CDFG: CSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools, which do not contain bullfrogs, fish, or crayfish, are necessary for breeding.	<b>Low</b> – No suitable aquatic habitat was found onsite.
<b>Reptiles</b>						
<i>Actinemys marmorata</i> *	western pond turtle	None	None	CDFG: CSC	The western pond turtle inhabits permanent or nearly permanent bodies of water in many habitat types below 6,000 feet. Requires basking sites such as partially submerged logs, vegetation mats, or open mud banks. Needs suitable nesting sites.	<b>Low</b> – No suitable aquatic habitat was found onsite.
<i>Thamnophis gigas</i> *	Giant garter snake	FT	ST	None	Agricultural wetlands and other waterways in the Central Valley (irrigation and drainage canals, sloughs, ponds, small lakes, streams).	<b>Low</b> – No suitable riparian habitat was found onsite.
<b>Birds</b>						
<i>Agelaius tricolor</i> *	tricolored blackbird	None	None	CDFG: CSC	Tricolored blackbirds are associated with dairies, grain fields, and rice producing areas. They nest in cattail marshes.	<b>Low</b> – Potential for foraging onsite. There is no suitable nesting habitat onsite.
<i>Athene cunicularia</i> *	Burrowing owl	None	None	CDFG:	The burrowing owl is commonly found in	<b>Moderate</b> – Suitable foraging habitat is

Table 2 (cont.): Sensitive Wildlife Species

Species		Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	ESA	CESA	Other		
				CSC	open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. This species is a subterranean nester, dependant upon burrowing mammals, most notably the California ground squirrel.	found onsite, but no suitable burrows were observed onsite. No burrowing owl sign was observed.
<i>Branta Canadensis leucopareia*</i>	Aleutian Canada Goose	FSC	None	None	Prefers lacustrine, fresh emergent wetlands, and moist grasslands, croplands, pastures, and meadows.	<b>Low</b> – Not expected to occur. No recent records from the project vicinity.
<i>Buteo swainsoni*</i>	Swainson's hawk	None	ST	None	The largest population breeding within California is located in the midsection of the Central Valley in the area between Sacramento and Modesto, and in the northern San Joaquin Valley. Swainson's hawks construct their nests in a wide variety of trees species, existing as riparian forest, remnant riparian trees, planted windbreaks, shade trees at residences and along roadsides, and solitary upland oaks.	<b>Moderate</b> – Potential for foraging onsite. There is no suitable nesting habitat onsite.
<i>Elanus leucurus</i>	White-tailed kite	None	None	CDFG: FP	Yearlong resident of coastal and valley lowlands; particularly agricultural areas, grasslands, marshes, savannas, and other wooded areas.	<b>Moderate</b> – Potential for foraging onsite. There is no suitable nesting habitat onsite.
<i>Lanius ludovicianus*</i>	loggerhead shrike	None	None	CDFG: CSC	Found in open woodland and scrub habitats especially where thorn bushes or barbed wire fences are present.	<b>Low</b> – No suitable habitat was found onsite.
<i>Plegadis chihli*</i>	White-faced Ibis	FSC	None	CDFG: CSC	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded pastures and croplands. Nests in dense, fresh emergent wetlands.	<b>Low</b> – No suitable habitat (inundated agricultural fields or large freshwater marshes) was found onsite.

Table 2 (cont.): Sensitive Wildlife Species

Scientific Name	Common Name	Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
		ESA	CESA	Other		
<i>Progne subis</i>	Purple martin	None	None	CDFG: CSC	Colonial nester, often uses valley foothill and montaine hardwood, valley foothill and montaine hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	<b>Low</b> – No suitable habitat, such as available cavities for nesting, was found onsite.
<i>Riparia riparia*</i>	Bank swallow	None	ST	None	Colonial nester, found in riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils, into which it digs nesting holes.	<b>Low</b> – No suitable nesting habitat was found onsite. Potential foraging area as it migrates.
ESA FE FT FPE FPT FC FSC	Federally listed endangered Federally listed threatened Federally proposed endangered Federally proposed threatened Federal candidate Federal species of concern	CESA SE ST	State listed endangered State listed threatened	Other CDFG:CSC CDFG:FP CDFG:P	California Species of Concern Fully Protected Species Protected Species	

**Species Present** - The species was observed on the project site at the time of the survey or during a previous biological survey.  
**High Potential to Occur** - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the project site, within 3 miles.  
**Moderate Potential to Occur** - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the project site, but there is not a recorded occurrence of the species within the immediate vicinity, within 3 miles. Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.  
**Low Potential to Occur** - There is a historical record of the species in the vicinity of the project site and potentially suitable habitat onsite, but existing conditions, such as density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation, substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.

\*Species covered under the Natomas Basin HCP.

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#### **5.4 - Nesting Birds**

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Besides the saplings found within the vegetative landscaped buffer adjacent to New Market Drive and the existing paved bike path, there are no trees within the project area. Any birds nesting onsite would be ground-nesting species. Bird species known to be ground nesting observed onsite include western meadowlark.

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#### **5.5 - Wildlife Movement Corridors**

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The project sites and surrounding areas are suburban and developed (with institutional, residential, and commercial uses). The areas in the vicinity provide limited movement in all directions and are not considered an important wildlife corridor. The project would not disrupt any wildlife movement.

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#### **5.6 - Jurisdictional Waters and Wetlands**

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There were no jurisdictional waters or wetlands observed within the project area. As aforementioned, one dry, abandoned manmade Reclamation District-1000 irrigation ditch is found in the southwest corner of the proposed Ballfield Complex project site. It is bisected by the existing paved bicycle path and does not appear to have been used for some time. There is no hydrological connection to any nearby waterbodies and the vegetation within the ditch was upland in nature. Aerial photos within the past decade were reviewed to identify when it was still in use; upon review, it appears the ditch was abandoned sometime between the late 1990s and early 2000s.

## SECTION 6: RECOMMENDATIONS

This report was prepared to document the existing conditions within the project site and to provide mitigation in accordance with the Natomas Basin HCP. In particular, this specific take minimization has been developed to ensure that conservation measures set forth in the NBHCP are implemented.

### 6.1 - Preconstruction Surveys for Covered Species

Per the Natomas Basin HCP, not less than 30 days or more than 6 months prior to commencement of construction activities on specific Authorized Development sites in the HCP area, a pre-construction survey of the site shall be conducted to determine the presence of, and likely impacts to, all Covered Species onsite including: Bank swallow (*Riparia riparia*); Burrowing owl (*Athene cunicularia*); Swainson's hawk (*Buteo swainsoni*); and White tailed kite (*Elanus leucurus*). However, pre-construction surveys for an individual species may be completed up to one year in advance if the sole period for reliable detection of that species is between May 1 and December 31. In the event that covered species are identified onsite, the City will employ Natomas Basin HCP Measures to Minimize Take.

The results of the pre-construction surveys will be documented and submitted to the Land Use Agency, USFWS, CDFG and The Natomas Basin Conservancy for review. The approved pre-construction survey documents and list of Conservation Measures will be submitted to the applicable Land Use Agency to demonstrate compliance with the Natomas Basin HCP.

#### 6.1.1 - Swainson's Hawk Mitigation

While no suitable nesting trees are located on the project site, raptor and Swainson's hawk mitigation is required for nesting trees located within ½ mile of the project site. Swainson's hawks are known to forage within the Natomas Basin. The following measures below will be implemented to reduce impacts to foraging habitat.

#### Natomas Basin HCP – Measures to Reduce Cumulative Impacts to Foraging Habitat

The Natomas Basin HCP Conservation Strategy is to preserve Swainson's hawk habitat in the vicinity of the Sacramento River and enhance and expand the hawk's habitat by ensuring the availability of suitable nesting trees and groves located near upland foraging habitat. Impacts to Swainson's hawks will be reduced through compliance with requirements of the Natomas Basin HCP.

Per the Natomas Basin HCP, as a measure to reduce take of Swainson's hawk, the City of Sacramento has limited its Coverage under the Natomas Basin HCP Take Permit Area within the Swainson's Hawk Zone to the approximately 252 acres located within the North Natomas Community Plan that was designated for urban development in 1994 and, likewise, will not grant development approvals within the Swainson's Hawk Zone beyond this designated 252 acres. Should the City seek to expand Natomas Basin HCP coverage for development within the Swainson's Hawk Zone beyond this area,

coverage would require an amendment to the Natomas Basin HCP and its permits, and would be subject to review and approval by USFWS and CDFG in accordance with all applicable statutory and regulatory requirements. Because the proposed project is within the Natomas Basin HCP Take Permit Area, the project is in compliance with Natomas Basin HCP measures to reduce cumulative impacts to foraging habitat.

### **Additional Mitigation**

In addition to complying with the Natomas Basin HCP, a pre-construction raptor survey will be conducted not less than 30-days or more than 6 months prior to construction activities in accordance with the Natomas Basin HCP. The survey shall be conducted by a qualified biologist. If active nests are found onsite during pre-construction surveys, then CDFG should be consulted for mitigation measures that may be required. Typically CDFG will recommend that no construction activities occur within 500 feet of the nests, until the young have fledged or until the biologist determines that the nest is no longer active. If no active nests are identified during the preconstruction survey, no further mitigation is necessary

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## **6.2 - Native Plants**

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Per the Natomas Basin HCP, the City of Sacramento will improve the wildlife value of landscaped parks, buffers, and developed areas by planting trees and shrubs which are native to the Natomas Basin and therefore used by Native Animals.

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## **6.3 - Discussion with Resource Agencies**

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The findings of this report should be discussed with appropriate agency staff from CDFG and USFWS to concur with the MBA's findings.

**SECTION 7: CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: September 9, 2010 Signed:



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Angela C. McIntire, J.D.,  
Biologist / Regulatory Analyst  
Michael Brandman Associates  
Sacramento, CA

## SECTION 8: REFERENCES

- American Ornithologists' Union. 1983 (and supplements 1985, 1987, 1989, 1991, 1993, and 1995). The A.O.U. Check-List of North American Birds. 6th ed. Allen Press. Lawrence, Kansas.
- Burt, W. H., and Grossenheider, R. P., 1980. Peterson Field Guides, Mammals. Houghton Mifflin Company. New York, New York.
- CDFG (California Department of Fish and Game). 1988a. California's Wildlife, Volume I: Amphibians and Reptiles. State of California Resources Agency. Sacramento, California.
- CDFG (California Department of Fish and Game). 1988b. California's Wildlife, Volume II: Birds. State of California Resources Agency. Sacramento, California.
- CDFG (California Department of Fish and Game). 1988c. California's Wildlife, Volume III: Mammals. State of California Resources Agency. Sacramento, California.
- CDFG (California Department of Fish and Game). 2003 (September). Natural Communities List. The Resources Agency of California, Department of Fish and Game, Natural Diversity Data Base. Sacramento, California.
- CDFG (California Department of Fish and Game). 2011. Endangered and Threatened Animals List. The Resources Agency of California, Department of Fish and Game, Natural Heritage Division, Natural Diversity Data Base. Sacramento, California.
- CDFG (California Department of Fish and Game). 2011. Endangered, Threatened, and Rare Plants. The Resources Agency of California, Department of Fish and Game, Natural Heritage Division, Natural Diversity Data Base. Sacramento, California.
- CDFG (California Department of Fish and Game). 2011. Special Animals List. The Resources Agency of California, Department of Fish and Game, Natural Heritage Division, Natural Diversity Data Base. Sacramento, California.
- CDFG (California Department of Fish and Game). 2011. Special Vascular Plants, Bryophytes, and Lichens List. The Resources Agency of California, Department of Fish and Game, Natural Heritage Division, Natural Diversity Data Base. Sacramento, California.
- CDFG (California Department of Fish and Game). 2011. RareFind 4. Data Base Record Search for Information on Threatened, Endangered, Rare, or Otherwise Sensitive Species for the Taylor's Monument, California USGS Topographic Quadrangle. California Department of Fish and Game, State of California Resources Agency. Sacramento, California.
- California, State of. 1989. Fish And Game Code.
- Department of the Army. 1986 (Nov 13). 33 CFR Parts 320 Through 330, Regulatory Programs of the Corps of Engineers; Final Rule. Federal Register 51(219):41206-41260.
- Department of the Army. 2000 (Mar 9). 33 CFR Parts 320 Through 330, Regulatory Programs of the Corps of Engineers; Final Rule. Federal Register 65(47):12818-12899.

- Department of the Army. 2002 (Jan 15). 33 CFR Parts 320 Through 330, Regulatory Programs of the Corps of Engineers; Final Rule. Federal Register 67(10):2020-2095.
- Hickman, J. C. 1993. The Jepson Manual: Higher Plants of California. University of California Press. Berkeley, California.
- Holland, R.F. 1986 (updated 1996). Preliminary Descriptions of the Terrestrial Natural Communities of California. Non-game Heritage Program. California Department of Fish and Game. Sacramento, California.
- National Geographic Society. 1999. National Geographic Society Field Guide to the Birds of North America. 3rd ed. National Geographic Society. Washington DC.
- Reed, P.B. 1988. National List of Plant Species That Occur in Wetlands: California (Region 0). National Wetlands Inventory, U.S. Fish and Wildlife Service Biological Report 88 (26.9).
- Sawyer, J.O. and T. Keeler-Wolf. 1995. A Manual of California Vegetation. California Native Plant Society. Sacramento, California.
- Stebbins, R. C. 2003. A Field Guide to Western Reptiles and Amphibians. 2nd ed. Houghton-Mifflin Company. Boston, Massachusetts.
- Tibor, D. P. 2001. California Native Plant Society's Inventory of Rare and Endangered Plants of California. California Native Plant Society. Special Publication, No. 1, 6th ed.
- Udvardy, M.D. 1994. National Audubon Society Field Guide to North American Birds. Alfred A. Knopf, Inc. New York, New York.
- USACE (United States Army Corps of Engineers). 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U.S. Army Corps of Engineers Waterways Experiment Station. Vicksburg, Mississippi.
- USACE (United States Army Corps of Engineers). 2006. Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Ed. J.S. Wakely, R.W. Lichvar, and C.V. Noble. ERDC/EL TR. U.S. Army Engineer Research and Development Center. Vicksburg, Mississippi.
- USDA (United State Department of Agriculture). 1993. Soil Survey of Sacramento County, California. Department of the Interior. U.S. Government Printing Office. Washington, DC.
- USGS (United States Geological Survey). 2011. Taylor Monument Map, California 7.5-Minute Topographic Quadrangle Map. Department of the Interior. U.S. Government Printing Office. Washington D.C.
- USFWS (United States Fish and Wildlife Service). 1993 (Sep 30). Plant Taxa for Listing as Endangered or Threatened Species; Notice of Review. Federal Register 50 CFR Part 17. U.S. Department of the Interior. Washington, D.C.

USFWS (United States Fish and Wildlife Service). 1994 (Nov 15). Endangered and Threatened Wildlife and Plants; Animal Candidate Review for Listing as Endangered or Threatened Species. Federal Register 50 CFR Part 17. U.S. Department of the Interior. Washington, D.C.

USFWS (United States Fish and Wildlife Service). 1997c (Oct. 31). Endangered and Threatened Wildlife and Plants. Federal Register 50 CFR Part 17.11 and 17.12. U.S. Department of the Interior. Washington, DC.

**Appendix A:  
CNDDDB Report**



**Selected Elements by Scientific Name**  
**California Department of Fish and Game**  
**California Natural Diversity Database**



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFG SSC or FP
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	None	G2G3	S2	SSC
<i>Ardea alba</i> great egret	ABNGA04040	None	None	G5	S4	
<i>Ardea herodias</i> great blue heron	ABNGA04010	None	None	G5	S4	
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S2	SSC
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S2S3	
<i>Buteo swainsoni</i> Swainson's hawk	ABNKC19070	None	Threatened	G5	S2	
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
<i>Downingia pusilla</i> dwarf downingia	PDCAM060C0	None	None	G2	S2	2.2
<i>Egretta thula</i> snowy egret	ABNGA06030	None	None	G5	S4	
<i>Elanus leucurus</i> white-tailed kite	ABNKC06010	None	None	G5	S3	FP
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Fritillaria agrestis</i> stinkbells	PMLIL0V010	None	None	G3	S3.2	4.2
<i>Gnatiola heterosepala</i> Boggs Lake hedge-hyssop	PDSCR0R060	None	Endangered	G2	S2	1B.2
<i>Legenere limosa</i> legenere	PDCAM0C010	None	None	G2	S2.2	1B.1
<i>Lepidurus packardi</i> vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G3	S2S3	
<i>Linderiella occidentalis</i> California linderiella	ICBRA06010	None	None	G3	S2S3	
<i>Northern Claypan Vernal Pool</i> Northern Claypan Vernal Pool	CTT44120CA	None	None	G1	S1.1	
<i>Northern Hardpan Vernal Pool</i> Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
<i>Nycticorax nycticorax</i> black-crowned night heron	ABNGA11010	None	None	G5	S3	
<i>Pogonichthys macrolepidotus</i> Sacramento splittail	AFCJB34020	None	None	G2	S2	SSC
<i>Progne subis</i> purple martin	ABPAU01010	None	None	G5	S3	SSC



Selected Elements by Scientific Name  
California Department of Fish and Game  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFG SSC or FP
<i>Sagittaria sanfordii</i> Sanford's arrowhead	PMALI040Q0	None	None	G3	S3	1B.2
<i>Thamnophis gigas</i> giant garter snake	ARADB36150	Threatened	Threatened	G2G3	S2S3	

Record Count: 23

**Appendix B:  
CNPS List**

## Plant List

15 matches found. *Click on scientific name for details*

### Search Criteria

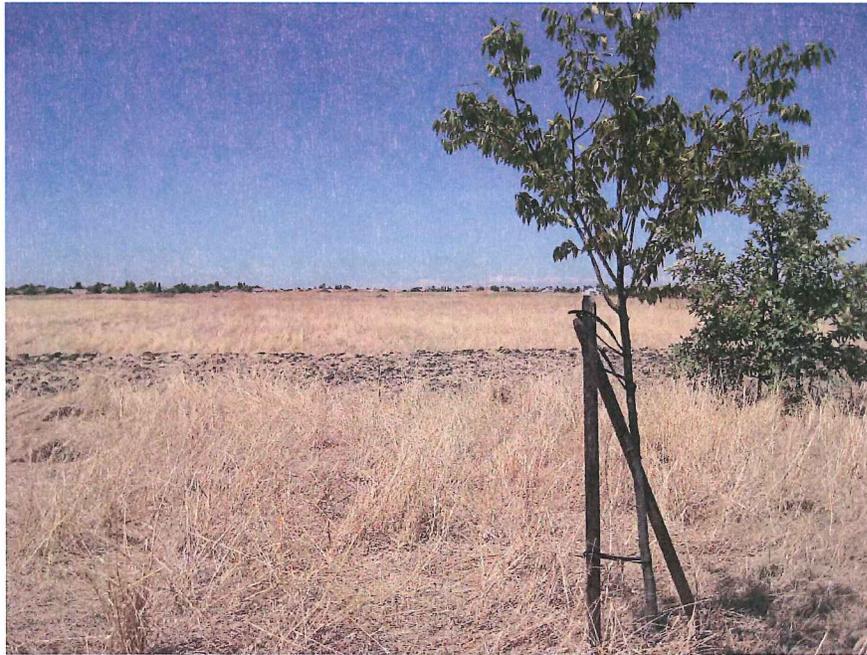
Found in 9 Quads around 38121F5

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank
<a href="#"><u>Astragalus pauperculus</u></a>	depauperate milk-vetch	Fabaceae	annual herb	4.3	S3.3	G3
<a href="#"><u>Astragalus tener var. tener</u></a>	alkali milk-vetch	Fabaceae	annual herb	1B.2	S2	G2T2
<a href="#"><u>Atriplex cordulata</u></a>	heartscale	Chenopodiaceae	annual herb	1B.2	S2.2?	G2?
<a href="#"><u>Atriplex depressa</u></a>	brittlescale	Chenopodiaceae	annual herb	1B.2	S2.2	G2Q
<a href="#"><u>Atriplex joaquiniana</u></a>	San Joaquin spearscale	Chenopodiaceae	annual herb	1B.2	S2	G2
<a href="#"><u>Centromadia parryi ssp. rudis</u></a>	Parry's rough tarplant	Asteraceae	annual herb	4.2	S3.2	G4T3
<a href="#"><u>Chloropyron palmatum</u></a>	palmate-bracted bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	1B.1	S1	G1
<a href="#"><u>Downingia pusilla</u></a>	dwarf downingia	Campanulaceae	annual herb	2.2	S2	G2
<a href="#"><u>Fritillaria agrestis</u></a>	stinkbells	Liliaceae	perennial bulbiferous herb	4.2	S3.2	G3
<a href="#"><u>Gratiola heterosepala</u></a>	Boggs Lake hedge-hyssop	Plantaginaceae	annual herb	1B.2	S2	G2
<a href="#"><u>Hibiscus lasiocarpus var. occidentalis</u></a>	woolly rose-mallow	Malvaceae	perennial rhizomatous herb	1B.2	S2.2	G4
<a href="#"><u>Legenere limosa</u></a>	legenere	Campanulaceae	annual herb	1B.1	S2.2	G2
<a href="#"><u>Lepidium latipes var. heckardii</u></a>	Heckard's pepper-grass	Brassicaceae	annual herb	1B.2	S1.2	G4T1
<a href="#"><u>Sagittaria sanfordii</u></a>	Sanford's arrowhead	Alismataceae	perennial rhizomatous herb	1B.2	S3	G3
<a href="#"><u>Symphotrichum lentum</u></a>	Suisun Marsh aster	Asteraceae	perennial rhizomatous herb	1B.2	S2	G2

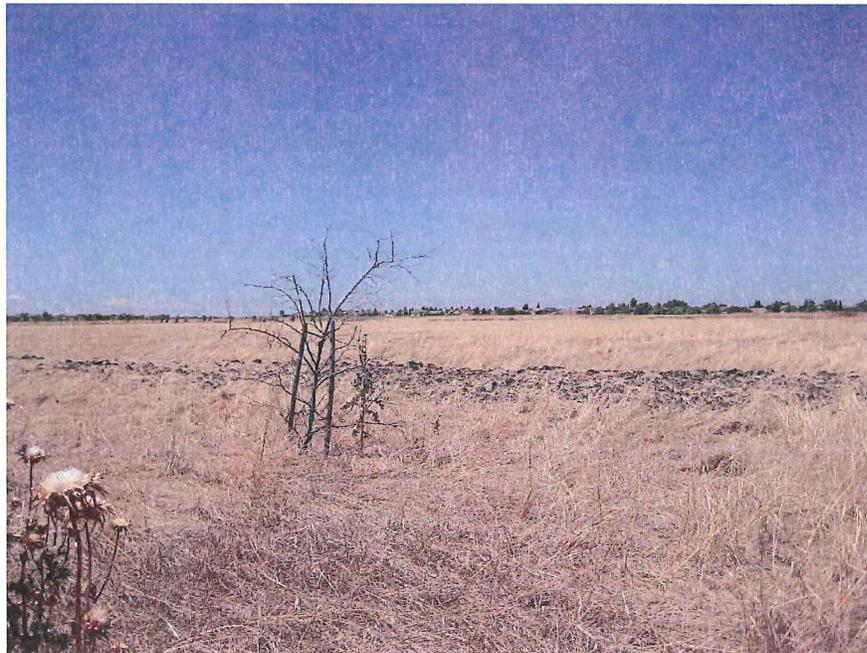
### Suggested Citation

California Native Plant Society (CNPS). 2011. Inventory of Rare and Endangered Plants (online edition, v8-01a). California Native Plant Society. Sacramento, CA. Accessed on Friday, August 05, 2011.

## **Appendix C: Site Photographs**



Photograph 1: Typical view of proposed ballfields site; young landscaped tree surrounded by ruderal vegetation.



Photograph 2: Evidence of disking on site.

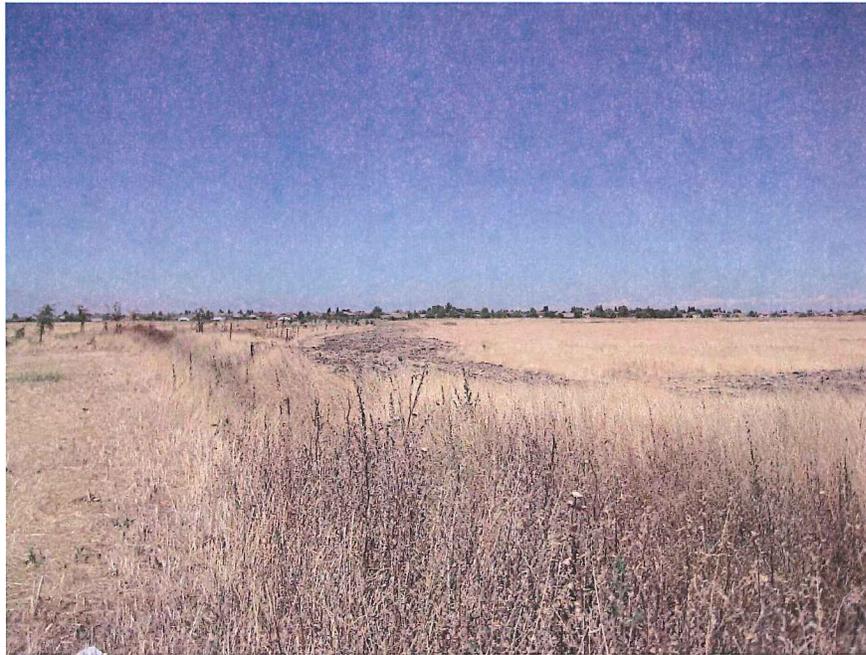
Source: Michael Brandman Associates, 2011



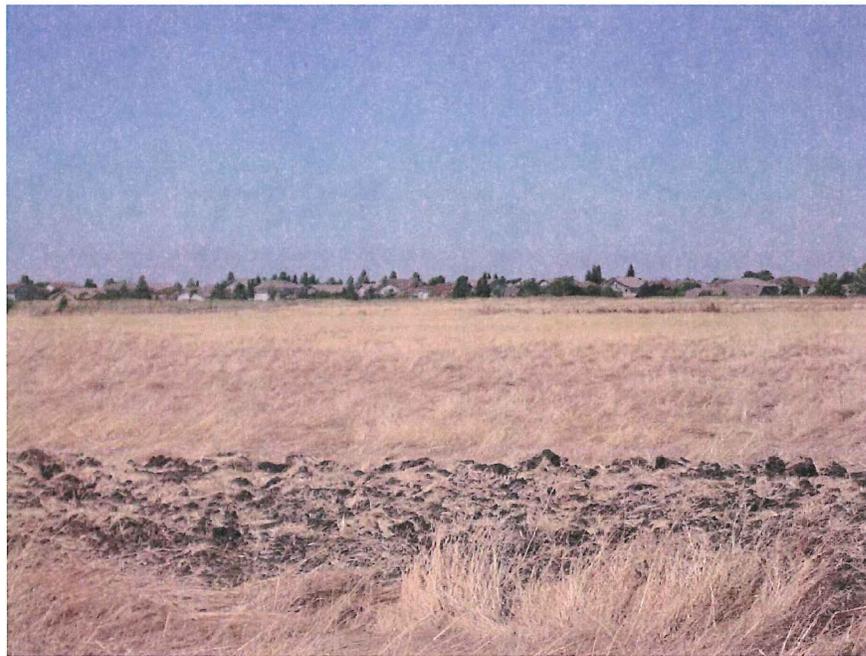
Michael Brandman Associates

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## Appendix C1 Site Photos



Photograph 3: From New Market Drive looking north.



Photograph 4: From the bike path abutting the site, looking northeast.

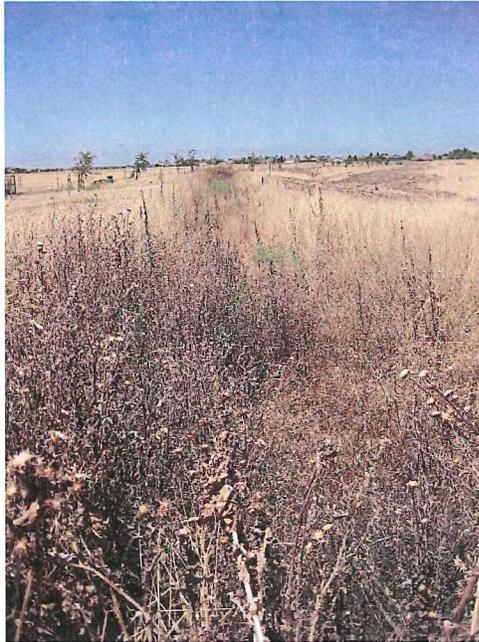
Source: Michael Brandman Associates, 2011



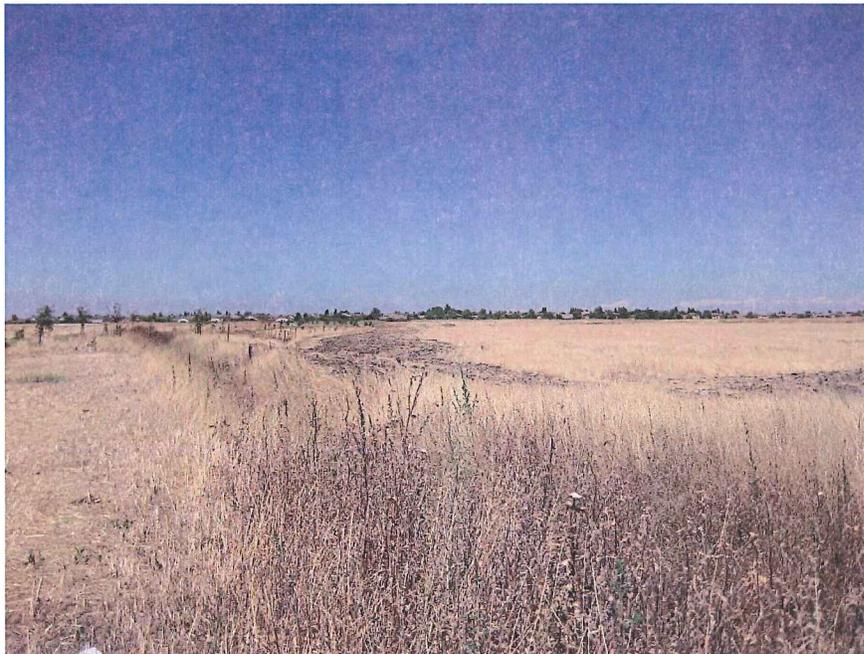
Michael Brandman Associates

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## Appendix C2 Site Photos



Photograph 5: Ruderal vegetation found in abandoned Reclamation District -1000 irrigation ditch.



Photograph 6: Abandoned Reclamation District -1000 irrigation ditch, facing northwest.

Source: Michael Brandman Associates, 2011



Michael Brandman Associates

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## Appendix C3 Site Photos

## **Appendix D: Regulatory Framework**

## REGULATORY FRAMEWORK

### SENSITIVE PLANT AND WILDLIFE SPECIES

Sensitive species are native species that have been accorded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

#### Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (ESA). The ESA provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The ESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its known geographic range. A “threatened” species is a species that is likely to become endangered. A “proposed” species is one that has been officially proposed by the USFWS for addition to the federal threatened and endangered species list.

Per Section 9 of the ESA, “take” of threatened or endangered species is prohibited. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

#### California Endangered Species Act

The California Department of Fish and Game (CDFG) administers the California Endangered Species Act (CESA). The State of California considers an “endangered” species one whose prospects of survival and reproduction are in immediate jeopardy. A “threatened” species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A “rare” species is one present in such small numbers throughout its portion of its known geographic range that it may become endangered if its present environment worsens. The rare species designation applies to California native plants. State threatened and endangered species are fully protected against take, as defined above. The term “species of special concern” is an informal designation used by CDFG for some declining wildlife species that are not state candidates for listing. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFG.

### **California Native Plant Society**

The California Native Plant Society (CNPS) is a California resource conservation organization that has developed an inventory of California's sensitive plant species. This inventory summarizes information on the distribution, rarity, and endangerment of California's vascular plants. The inventory is divided into four lists based on the rarity of the species. In addition, the CNPS provides an inventory of plant communities that are considered sensitive by the state and federal resource agencies, academic institutions, and various conservation groups. Determination of the level of sensitivity is based on the number and size of remaining occurrences as well as recognized threats.

### **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) protects all common wild birds found in the United States (U.S.) except the house sparrow, starling, feral pigeon, and resident game birds such as pheasant, grouse, quail, and wild turkey. Resident game birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs.

### **California Fish and Game Code - Section 3503 and Section 3511**

The CDFG administers the California Fish and Game Code (CFG Code). There are particular sections of the CFG Code that are applicable to natural resource management. For example, Section 3503 of the CFG Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird that is protected under the MBTA. CFG Code Section 3503.5 further protects all birds in the orders Falconiformes and Strigiformes, birds of prey such as hawks and owls, and their eggs and nests from any form of take. CFG Code Section 3511 lists fully protected bird species where the CDFG is unable to authorize the issuance of permits or licenses to take these species.

### **Natomas Basin Habitat Conservation Plan**

The NBHCP applies to the 53,341-acre interior of the Natomas Basin, located in the northern portion of Sacramento County and the southern portion of Sutter County. The Basin contains incorporated and unincorporated areas within the jurisdiction of the City of Sacramento, Sacramento County and Sutter County. The purpose of the NBHCP is to promote biological conservation along with economic development and the continuation of agriculture within the Natomas Basin. The NBHCP establishes a multi-species conservation program to mitigate the expected loss of habitat values and incidental take of protected species that would result from urban development, operation of irrigation and drainage systems, and rice farming. The goal of the NBHCP is to preserve, restore, and enhance habitat values found in the Natomas Basin while allowing urban development to proceed according to local land use plans.

The NBHCP is a supporting document for federal Section 10(a)(1)(B) and State Section 2081 permit applications. Section 10(a)(1)(B) of the federal Endangered Species Act allows incidental take of endangered or threatened species subject to its permit requirements. Similarly, State Section 2081 of

the California Fish and Game Code allows the California Department of Fish and Game to enter into management agreements that allows activities which may otherwise result in habitat loss or take of individuals of a state listed species.

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## JURISDICTIONAL WATERS AND WETLANDS

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Impacts to natural drainage features and wetland areas are regulated by the United States Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFG based upon the policies and regulations discussed below.

### United States Army Corp of Engineers Regulations

#### Federal Clean Water Act - Section 404

The USACE administers Section 404 of the federal Clean Water Act (CWA). This section regulates the discharge of dredge and fill material into waters of the U.S. USACE has established a series of nationwide permits that authorize certain activities in waters of the U.S., if a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of waters of the U.S. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. USACE also has discretionary authority to require an Environmental Impact Statement for projects that result in impacts to an area between 0.1 and 0.5 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

#### Waters of the United States

Waters of the U.S., as defined in the Code of Federal Regulations (CFR) Section 328.3, include all waters or tributaries to waters such as lakes, rivers, intermittent and perennial streams, mudflats, sand-flats, natural ponds, wetlands, wet meadows, and other aquatic habitats. Frequently, waters of the U.S., with at least intermittently flowing water or tidal influences, are demarcated by an ordinary high water mark (OHWM). The OHWM is defined in CFR Section 328.3(e) as the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. In this region, the OHWM is typically indicated by the presence of an incised streambed with defined bank shelving.

In June 2001 the USACE South Pacific Division has issued *Guidelines for Jurisdictional Delineations for Waters of the United States in the Arid Southwest*. The purpose of this document was to provide background information concerning physical characteristics of dryland drainage

systems. These guidelines were reviewed and used to identify jurisdictional drainage features within the Project Site.

### **Wetlands**

According to the USACE Wetlands Delineation Manual, Technical Report, three criteria must be satisfied to classify an area as a jurisdictional wetland:

1. A predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation)
2. Soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils)
3. Permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology)

Wetland vegetation is characterized by vegetation in which more than 50 percent of the composition of dominant plant species are obligate wetland, facultative wetland, and/or facultative species that occur in wetlands. As a result of the 2001 Solid Waste Agency of North Cook County (SWANCC) case, a wetland must show connectivity to a stream course in order for such a feature to be considered jurisdictional. Although wetland criteria was used to identify if areas were considered wetlands, the exact limits of jurisdiction were not measured based on the standard wetland delineation protocol as described in the 1987 USACE manual.

### **United States Army Corp of Engineers Regulated Activities**

The USACE regulates the discharge of dredged or fill material including, but not limited to, grading, placing of rip-rap for erosion control, pouring concrete, laying sod, and stockpiling excavated material. Activities that generally do not involve a regulated discharge, if performed specifically in a manner to avoid discharges, include driving pilings, drainage channel maintenance, temporary mining and farm/forest roads, and excavating without stockpiling.

### **Regional Water Quality Control Board Regulations**

#### **Clean Water Act - Section 401**

Per Section 401 of the CWA, “any applicant for a Federal permit for activities that involve a discharge to waters of the State, shall provide the Federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act.” Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the RWQCB.

### **Porter-Cologne Water Quality Act**

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, within any region that could affect the water of the state” (water code Section 13260(a)), pursuant to provisions of the Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (water code Section 13050 (e)).

### **Regional Water Quality Control Board Regulated Activities**

Under Section 401 of the CWA, the RWQCB regulates all activities that are regulated by the USACE. Additionally, under the Porter-Cologne Water Quality Act, the RWQCB regulates all activities, including dredging, filling, or discharge of materials into waters of the state that are not regulated by the USACE due to a lack of connectivity with a navigable water body and/or lack of an OHWM.

### **California Department of Fish and Game Regulations**

#### **California Fish and Game Code - Section 1600 to Section 1603**

The CFG Code mandates that “it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.” CDFG jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by the presence of hydrophytic vegetation, the location of definable bed and banks, and the presence of existing fish or wildlife resources.

Furthermore, CDFG jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function as part of the riparian system. Historic court cases have further extended CDFG jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFG definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdiction. However, CDFG does not regulate isolated wetlands; that is, those that are not associated with a river, stream, or lake.

### **California Department of Fish and Game Regulated Activities**

The CDFG regulates activities that involve diversions, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources.



## North Natomas Regional Park Sports Field Complex Project Mitigation Reporting Program

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures applicable to this project and included in the Mitigated Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento Department of Transportation in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Program is being prepared for the Community Development Department, Environmental Planning Services, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811, pursuant to the California Environmental Quality Guidelines, Section 21081.

**Project Number:** L19140100

**Project Name:** North Natomas Regional Park Sports Field Complex

**Project Location:** The project site is located at 2700 North Park Drive, Sacramento, California and is north of New Market Drive, south of North Park Drive, east of Town Center Drive, and west of Natomas Boulevard. The APN for the project site is 225-0040-090-0000.

**Project Description:** Sports Field Complex includes community park elements and Farmer's Market to establish a multi-purpose recreation center for the North Natomas area. The 16.5 acre site is located directly across from Inderkum High School; bounded by New Market Dr. to the south, existing Bike Trail and Dog Park to the west, undeveloped parkland to the north and east. The Sports Field Complex will be developed in two phases as funding is made available.

**MITIGATION REPORTING PROGRAM CHECKLIST FOR THE  
 NORTH NATOMAS REGIONAL PARK SPORTS FIELD PROJECT (L19140100)**

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p><b>Air Quality</b></p> <p><b>Mitigation Measure AQ-1. General Plan Policy ER 6.1.8 - Development Near TAC Sources:</b> The City shall ensure that new development with sensitive uses located adjacent to toxic air contaminant sources, as identified by the California Air Resources Board (CARB), reduces potential health risks. In its review of these projects, the City shall consider current guidance provided by and consult with the CARB and the Sacramento Metropolitan Air Quality Management District.</p> <p>AQ-2. Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.</p> <p>AQ-3. Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.</p> <p>AQ-4. Use wet power vacuum street sweepers to remove any visible track out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</p> <p>AQ-5. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).</p> <p>AQ-6. All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>AQ-7. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.</p>	<p>During construction</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Department of Parks and Recreation</p> <p>and</p> <p>Contractor</p>		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
AQ-8. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.				
<p><b>Biological Resources</b></p> <p><b>BIO-1- General Plan Policy ER 2.1.10 - Habitat Assessments:</b> The City shall consider the potential impact on sensitive plants and for each project requiring discretionary approval and shall require preconstruction surveys and/or habitat assessments for sensitive plant and wildlife species. If the preconstruction survey and/or habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level or industry recognized (if no protocol has been established) surveys shall be conducted; or (2) presence of the species shall be assumed to occur in suitable habitat on the project site. Survey Reports shall be prepared and submitted to the City and the CDFG or USFWS (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law.</p> <p><b>Bio-2:</b> All construction activities that involve ground disturbance shall be restricted to the period of May 1 through September 30. This is the active period for giant garter snakes and they are expected to avoid danger during this time.</p> <p><b>Bio-3:</b> A preconstruction survey shall be completed by a qualified biologist approved by the USFWS no more than 24 hours prior to the onset of construction (site preparation, grading). Another such survey shall be completed if construction stops for a period of two or more weeks.</p> <p><b>Bio-4:</b> Clearing shall be confined to the minimum area necessary to facilitate construction. All giant garter snake habitat outside of construction areas shall be flagged as an environmentally sensitive area. These areas shall be avoided by all construction personnel.</p>	<p>Prior to and during construction –</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento Department of Parks and Recreation</p> <p>and</p> <p>CDFG or USFWS</p>		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p><b>Bio-5:</b> Construction personnel shall receive USFWS-approved environmental awareness training instructing workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an onsite biological monitor shall be designated. While not specified in the NBHCP, FWS requires the biological monitor to be present during all construction activities (K. Berry pers. comm.) to ensure that that no GGS are harmed by foot, vehicle, and equipment activities. The biological monitor shall be responsible for preparing the compliance monitoring report specified in section 4.10 below, pursuant to NBHCP sections E.1.b. and c, Chapters V1.E.1.b and V1.E.1c.</p> <p><b>Bio-6:</b> If a live giant garter snake is found during construction activities, the USFWS and the biological monitor shall immediately be notified. The biological monitor, or his/her assignee, shall stop construction and follow guidance specified in NBHCP section V.A.5.a.(7).</p> <p><b>Bio-7:</b> Upon locating dead, injured, or sick federally listed wildlife, the permittees or their designated agents must notify within one working day the Service’s Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento, CA 95825, telephone 916 414-6600). Written notification to both offices must be made within three calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.</p> <p><b>Bio-8:</b> Fill or construction debris may be used by giant garter snakes as over-wintering sites. Upon completion of construction activities, all temporary fill and/or construction debris shall be removed from the site. If this material is situated near undisturbed giant garter snake habitat and is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snakes are not using it as hibernaculae.</p> <p><b>Bio-9:</b> No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes will be placed on a project site when working within 200 feet of aquatic or rice habitat. Possible substitutions include coconut coir matting, tackified hydroseeding compounds, or other material approved by wildlife agencies.</p>				

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p><b>Bio-10:</b> While not specified in the NBHCP, we recommend posting educational signs along the trail about giant garter snakes to educate the public about the species' possible presence and encourage avoidance of bicycle or pedestrian encounters. Additionally, speed limits could be recommended.</p> <p><b>Bio-11:</b> Prior to the construction, a preconstruction survey shall be completed to determine whether any active Swainson's hawk nest sites occur within 0.5 mile of the construction site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology, or updated methodologies, as approved by the CDFG, using experienced Swainson's hawk surveyors.</p> <p><b>Bio-12:</b> If breeding Swainson's hawks (i.e., birds exhibiting nest-building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within 0.5 mile between March 15 and September 15, or until a CDFG-approved biologist has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 0.25 mile of existing urban development, the no-new-disturbance zone can be limited to 0.25 mile.</p> <p><b>Bio-13:</b> Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., construction activities deferred until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.</p> <p><b>Bio-14:</b> If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until the California Department of Fish and Game has determined that the young have fledged and are no longer dependent upon the nest tree.</p> <p><b>Bio-15:</b> If construction or other project-related activities that may cause nest</p>				

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p>abandonment or forced fledging are proposed within the 0.25–0.5-mile buffer zone, intensive monitoring (funded by the project sponsor) by a CDFG-approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.</p> <p><b>Bio-16:</b> A CDFG-approved biologist shall perform a preconstruction survey of the site for burrowing owls. The results of the preconstruction survey shall be submitted to the land-use agency with jurisdiction over the site prior to construction and a mitigation program shall be developed if necessary.</p> <p><b>Bio-17:</b> Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless an approved biologist verifies through non-invasive measures that either: a) the birds have not begun egg-laying and incubation; or b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p><b>Bio-18:</b> If nest sites are found, CDFG shall be contacted regarding suitable mitigation measures, as specified in the NBHCP, which could include establishing a non-disturbance buffer zone or passive relocation. Follow specific guidance in the NBHCP.</p> <p><b>Bio-19:</b> Where avoidance is not possible, disturbance and/or destruction of burrows shall be offset through development of suitable habitat on TNBC upland reserves. Such habitat shall include creation of new burrows with adequate foraging area.</p> <p><b>Bio-20:</b> No specific guidance on the methods of the preconstruction survey are provided in the HCP; however, it is assumed for this project that the preconstruction survey will follow methods provided by either CDFG (CDFG 1995 or newer) or the Burrowing Owl Consortium (Burrowing Owl Consortium 1993).</p> <p><b>Bio-21:</b> A preconstruction survey for nesting birds shall be performed by a qualified biologist prior to construction, within the project area and a 300-foot buffer area, not more than two weeks prior to construction and preferably less than one week, for all birds not named above. If active nests are found, a no-disturbance buffer zone of</p>				

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p>100 to 300 feet shall be established around them according to an agency-approved biologist's assessment of the species' sensitivity to disturbance. Within this buffer zone, no construction activity will be allowed until August 31 or the biologist determines that the nest is no longer active.</p> <p><b>Bio-22:</b> In compliance with section V of the NBHCP, the nesting-bird survey should also include a search of suitable habitats within 0.25 miles for nesting white-faced ibis. No construction shall take place within 0.25 mile of nesting white-faced ibis between May 15 and August 31 or until the biologist has determined that the young have fledged.</p>				
<p><b>Cultural Resources</b></p> <p><b>CR-1.</b> In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p><b>CR-2.</b> If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native</p>	<p>Prior to and during construction –</p> <p>Mitigation measures shall be included in all construction documents for implementation during construction.</p>	<p>City of Sacramento                      Department of Parks and Recreation</p> <p>and</p> <p>Contractor</p>		

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<p>American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> <p><b>CR-3.</b> If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>				