

From: Tran, Harvey@Wildlife
Sent: Monday, November 24, 2025 2:22 PM
To: kkillingsworth@elkgrove.gov
Cc: Wildlife R2 CEQA; Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: 2024-0260-0000 CDFW Comments on the DEIR for the Summer Villas Special Planning Area Project (SCH No. 2024080407)

Dear Kyra Killingsworth:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the City of Elk Grove for the Summer Villas Special Planning Area Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.^[1] CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on October 7, 2024.

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 9350 Sheldon Road, Elk Grove, CA 95624 in Sacramento County.

The Project consists of the creation of the 116-acre Summer Villas Special Planning Area (SPA). The Summer Villas SPA project contains three distinct sub-zones: 1) Active Adult Neighborhood (71.3 acres), 2) Laguna Creek Open Space (20.3 acres), and 3) Waterman Recreational Open Space (19.4 acres). The remaining 4.9 acres of the site would be dedicated to the Waterman Road and Sheldon Road right-of-way. In addition, subsequent potential development of the 116-acre site would include a maximum of 499 age-restricted (55+) single-family homes, as well as various associated improvements, such as a private community recreation center/clubhouse, private park space, trails and open space areas, landscaping, and a number of on- and off-site roadway and utility improvements.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Elk Grove in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

CDFW is primarily concerned with the project impacts to burrowing owls (*Athene cunicularia*) which is a state candidate species for listing under CESA.

COMMENT 1: Mitigation for Significant Impacts to Burrowing Owls, Mitigation Measure(s) 4.3-7(c), pages 4.3-63 and 4.3-64

Issue: The DEIR states that if nesting burrowing owls are detected in the Project Area during preconstruction survey, then mitigation for permanent loss of foraging habitat will be done at a 1:1 ratio and be consistent with CDFW's 2012 Staff Report on Burrowing Owl Mitigation. The mitigation proposed by the DEIR is only for the permanent loss of foraging habitat and does not take into account the permanent impacts to nesting, occupied and satellite burrows. The 1:1 mitigation ratio does not adequately encompass the compensation required to achieve at least a no net loss which is required by CEQA (Cal. Code Regs. Tit. 14, § 15065(b)(2)(C)). When taking into account the ecological value of the lost habitat, temporal loss, and the risk that the mitigation project could fail, the mitigation proposed in the DEIR does not reduce project impacts to a less-than-significant level.

In addition, burrowing owls are state candidate species for listing under CESA and as such, it is afforded full protection under the act. It is unlawful to take a State-listed endangered or threatened species (Fish & G. Code §2050 et seq.). Take is defined as "hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill" (Fish & G. Code §86). CESA take authorization, should be obtained if the proposed project cannot fully avoid take of burrowing owls. If the proposed Project will impact CESA listed species, early consultation is encouraged, as significant modification to the proposed Project and mitigation measures may be required in order to obtain an Incidental Take Permit (ITP). An ITP may only be obtained if the impacts of the authorized take of the species are minimized and fully mitigated and adequate funding has been ensured to implement the mitigation measures.

CDFW may only issue an ITP if the CDFW determines that issuance of the permit does not jeopardize the continued existence of the species.

The DEIR does not include any mitigation for temporary impacts. Temporary impacts to the species may include temporary ground disturbance and vegetation removal that may render a nesting site (nesting burrow and satellite burrows) or foraging site unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. CESA requires project impacts to be fully mitigated, including any temporary impacts. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, CDFW recommends the DEIR include details pertaining to the permanent protection and perpetual management of compensatory habitat necessary to fully mitigate project-related impacts, both permanent and temporary. The type and amount of mitigation should be based on factors including an assessment of the importance of that habitat in the Project Area, the extent to which covered activities will impact the habitat, and the estimate of the acreage required to provide for adequate compensation in coordination with CDFW. Due to the reasons stated above and the ongoing habitat loss and degradation of agricultural and other open lands from the rapid urbanization of farmland in the core areas of the Central Valley (Shuford, W. D., and Gardali, T., editors. 2008), a 1:1 mitigation ratio for the loss of foraging habitat will not mitigate project impacts to a level of less than significant.

Recommendation or Recommended Mitigation Measure: CDFW recommends the mitigation ratio for burrowing owl habitat impacts is a minimum of 3:1 to offset the permanent loss of nesting habitat and 2:1 to offset the permanent loss of foraging habitat. CDFW also recommends that the mitigation for temporary impacts is no less than 1:1 for burrowing owls and their habitat to reduce project impacts to a less-than-significant level. CDFW recommends that mitigation is in the form of purchasing suitable mitigation credits from a CDFW-approved conservation bank, habitat restoration/enhancement onsite or offsite, partnership with other agencies or non-profit groups on suitable restoration projects, or other biologically suitable mechanisms pre-approved by the Lead Agency.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment

of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the DEIR for the Summer Villas Special Planning Area Project to assist the City of Elk Grove in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Harvey Tran, Senior Environmental Scientist (Specialist) at (916) 358-4035 or harvey.tran@wildlife.ca.gov.

REFERENCES

Shuford, W. D., and Gardali, T., editors. 2008. *California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California*. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Sincerely,

Harvey Tran

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^[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.