October 13, 2020

City of Elk Grove Planning Division
Attn: Sarah Kirchgessner

Re: Comments on the DEIR Inadequacy of the Analysis of the Biological Resources Section regarding the proposed California Northstate University Medical Center Campus Project

The DEIR for the proposed California Northstate University Medical Center Campus Project fails to meet the requirements outlined in the California Environmental Quality Act in the area of Biological Resources analysis.

1. Specifically, the proposed project violates the requirements of the CEQA Guidelines Appendix G in that it failed to evaluate whether the project would “Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.” (Appendix G, IV Biological Resources, paragraph (d)).

2. The DEIR shows no credible analysis of the magnitude of Significant impacts on migratory bird species because of the footprint and height of the proposed project. The Stone Lakes National Wildlife Refuge is on three sides of the proposed project. Yet there have been no Biological Surveys to quantify how many birds would be impacted (i.e., bird strikes of), the 13-story building. CEQA has always required that quantification be determined prior to and during the analysis. The analysis in this instance would require a recent Winter Survey of Southbound Migratory Birds and a Spring Survey of Northbound Migratory Birds. Consequently, the proposed mitigation for the Significant Impacts of bird strikes that relies on a lack of quantified analysis is deficient and would be deemed Inadequate in a court challenge.

The USFWS, Audubon Society and Ducks Unlimited websites all have bird counts that reveal over a billion bird species annually travel the Pacific Flyway with many stopping for rest, residency and breeding during their North to South and South to North travels in the Sacramento Region.

3. The 1918 Migratory Bird Treaty Act is the Federal Nexus for analysis of this proposed project and requires a formal Biological Opinion by the US Fish & Wildlife Service. There are federally listed Endangered Species Act migratory species that transect the proposed site that both winter and breed at the Stone Lakes National Wildlife Refuge and the Cosumnes River Wildlife Preserve. The DEIR alludes to potential bird strikes of the building which would require Take Permits by both USFWS and CDFW, necessitating Formal Biological Opinions by both Responsible Agencies. While the DEIR cites information from USFWS dated 2007, that data is stale due to the passing of 13 years. Stale Data is no substitute for recent Biological Surveys.

Sincerely,

Dr. James W. Reede, Jr.

s/ Dr. James W. Reede, Jr.