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**CHAPTER 10**  
**BIOLOGICAL RESOURCES**  
**TREES**

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## **CHAPTER 10 BIOLOGICAL RESOURCES**

### **10.1 Introduction and Methodology**

R Street is located in the Central City of the City of Sacramento which is a densely developed urban area with relatively few natural habitats. The Initial Study prepared for the project (See Appendix), determined that the proposed project would not affect wetlands, or other sensitive natural habitats, but may affect urban street trees and heritage trees, and the habitat that these trees provide. Therefore, this Chapter focuses on the impacts of the proposed project on public street trees and heritage trees.

### **10.2 Existing Setting**

The City of Sacramento has been designated by the Arbor Society as a “City of Trees” because of the presence of large canopy trees, street trees and park trees and the community’s dedication and support for the urban forest. There are a variety of street tree species in the Central City, however, plane trees such as sycamore, London Plane, and ash trees are a predominant species. Larger elms can also be found, as well as Ginko and other canopy trees.

As described by the General Plan, Draft EIR, “trees and shrubs in Central City and the parks of the Central City provide habitat including nesting sites and cover for a variety of common birds and smaller animals. Typical urban tolerant species that may be observed in the Central City include mourning dove, scrub jay, northern mockingbird, American robin, Brewer’s blackbirds, brown towhees and house finches. Non native sparrows, starlings and rock doves may also be observed. Typical mammals include deer mice, California Ground squirrels, and opossum.” (SPGU DEIR, Pages U-14 and U15).

### **10.3 Regulatory Setting**

There are a number of Federal, State and local laws that protect natural habitat areas tree resources. Regulations relevant to this analysis are briefly reviewed below:

### **10.3.1 Federal Endangered Species Act (ESA)**

The Federal Endangered Species Act (ESA) defines “take” (Section 9) and prohibits “taking” of a listed endangered or threatened species (16 U.S.C. 1532, 50 CFR 17.3). If a federally listed species could be harmed by a project, a Section 7 or 10 consultation must be initiated, and an Incidental Take Permit must be obtained (16 U.S.C. 1539, 50 CFR 13). The ESA would apply in instances where removal of a tree results in harm to a federally listed species (such as removal of a nest tree occupied or used by an endangered bird species).

### **10.3.2 California Endangered Species Act (CESA)**

The California Fish and Game Code defines “take” (Section 86) and prohibits “taking” of a species listed as threatened or endangered under the California Endangered Species Act (California Fish and Game Code Section 2080) or otherwise fully protected (as defined in California Fish and Game Code Sections 3511, 4700, and 5050). The CESA would apply in instances where removal of a tree results in harm to a state listed species (such as removal of a nest tree occupied or used by an endangered bird species).

### **10.3.3 City Of Sacramento Heritage Trees**

A “Heritage Tree” is defined by the Sacramento City Code (12.64.020) as:

- Any tree of any species with a trunk circumference of 100 inches or more, which is of good quality in terms of health, vigor of growth, and conformity to generally accepted horticultural standards of shape and location for its species.
- Any native *Quercus* (oak) species, *Aesculus californica* (California buckeye), or *Platanus racemosa* (western sycamore), having a circumference of 36 inches or greater when a single trunk, or a circumference of 36 inches or greater when a multi-trunk.
- Any tree 36 inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to 30 feet beyond the high water line.

- Any tree, grove of trees, or woodland trees designated by resolution of the City Council to be of special historical or environmental value, or of significant community benefit (Prior Code § 45.04.211).

A “Street Tree” is defined by the Sacramento City Code (12.56.020) as any tree growing in a public street right-of-way. Any impacts to City trees require a permit from the Director of the Department of Parks and Recreation.

#### **10.3.4 Protection of Heritage Trees**

In accordance with Sacramento City Code (12.64.040), the following rules shall apply during construction activities on any property upon which is located a Heritage tree. Unless the express written permission of the Director of the Department of Parks and Recreation or the director’s authorized representative is first obtained, no person shall:

- Change the amount of irrigation provided to any Heritage tree from that which was provided prior to the commencement of construction activity;
- trench, grade, or pave into the drip line area of a Heritage tree;
- change, by more than 2 feet, grade elevations within 30 feet of the drip line area of a Heritage tree;
- park or operate any motor vehicle within the drip line of any Heritage tree;
- place or store any equipment or construction materials within the drip line area of any Heritage tree;
- attach any signs, ropes, cables or any other items to any Heritage tree;
- cut or trim any branch of a Heritage tree for temporary construction purposes; or
- place or allow to flow into or over the drip line area of any Heritage tree any oil, fuel, concrete mix, or other deleterious substance.

#### **10.3.5 Federal Migratory Bird Treaty Act**

Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). All migratory bird species are protected by the MBTA. The direct injury or death of an individual of an included species, due to construction activities or any construction-related disturbance that causes nest abandonment or forced fledging, would be considered a take. Any removal of active nests during the breeding season or any

disturbance that results in the abandonment of nestlings is also considered a take under federal law.

## **10.4 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 from implementation of the proposed project:

- 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;
- Affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands); or
- Violate the Heritage Tree Ordinance (City Code 12.64.040) or require removal of a public street or park tree.

## **10.5 Project Impacts and Mitigation Measures**

### **IMPACT 10.1: Impacts to Heritage and Street Tree Resources**

#### **PP Proposed Project**

The proposed project may result in some direct and indirect impacts to heritage and street tree resources as a result of infrastructure improvement projects or implementation of housing development projects. The majority of the infrastructure improvements are planned along the R Street Corridor in the project area. R Street has only a few established sidewalks with tree planters or park strips and thus there are relatively few trees along the corridor. Most significant trees are located near the intersections where numbered streets intersect with R Street. Many of the numbered streets have planting park strips which include City Street trees. As individual infrastructure plans are drawn up, a detailed survey of trees which may be affected will be required by either the City Transportation Department or the City Utilities Department who will be responsible for infrastructure design and implementation. New housing development sites are not

specifically detailed in the RSAIP. However, several of the vacant lots in the R Street project area do have mature trees or street trees which could be affected by new development sponsored or financed by CADA. At a programmatic level, the proposed project has the potential to affect heritage trees or City street trees. This is considered a *significant avoidable* impact.

#### **AA No Project Alternative**

The No Project Alternative would not change the existing environment and therefore, **no impact** is anticipated.

#### **MITIGATION MEASURE 10.1: Heritage and Street Tree Resources**

The following programmatic mitigation measure should be applied to all infrastructure projects included in the RSAIP and to new housing development projects included in the RSAIP which are sponsored or assisted by CADA.

1. Prior to start of construction, the project sponsor (CADA or City of Sacramento depending on the project) shall coordinate with the City Arborist as part of the development of final construction drawings for methods to *avoid* heritage trees through redesign if feasible.
2. If avoidance of heritage trees is not feasible, the project sponsor shall submit and comply with a tree replacement mitigation plan developed in consultation with the City Arborist and any other conditions related to compliance with the Heritage Tree Ordinance and related Tree Removal Permit.
3. During construction the project sponsor and the selected Contractor shall follow the procedures necessary to protect existing trees. All work near the trees shall be coordinated with the City Arborist, Park and Recreation Tree Services Section, phone number (916) 768-8604. The Contractor shall comply with direction as given by the City Arborist and the following requirements regarding tree protection:
  1. No storage or materials or parking of vehicles may occur within the driplines of the trees, except on paved streets.
  2. If during construction grading, tree roots two inches (2”) in diameter or greater are encountered, work shall stop immediately and the City

Arborist shall be contacted for a root inspection, and the root shall not be cut unless the arborist approves. Roots approved by the arborist to be severed during the course of project construction shall be neatly trimmed. If a large number of roots require cutting, the tree will then have to be evaluated by the arborist for possible removal.

3. If construction activities will affect any of the limbs of the trees, the arborist shall be consulted prior to the cutting or removal of any limb. Limbs approved by the arborist to be severed during the course of the project construction shall be neatly trimmed.
4. The Contractor shall be responsible for damages to trees. Trees damaged by the Contractor during construction activities shall be assessed by the City Arborist using the International Society of Arborists (ISA) appraisal guide. The Contractor's responsibility for damaged trees will be determined by the Arborist.

With implementation of Mitigation Measure 10-1, impacts to tree resources can be reduced to a **less-than-significant** level.

### **IMPACT 10.2: Impacts to Nesting Birds as A Result of Tree Removal or Trimming for the Project**

#### **PP Proposed Project**

The Proposed Project may impact trees through the construction of infrastructure improvements or new housing development. In turn, depending on the timing of installation of these improvements, migratory nesting birds may be disturbed as a result of tree trimming or removal which is a conflict with the provisions of the Federal Migratory Bird Treaty Act (MBTA). The severity of the potential impact will depend on the final design and engineering for infrastructure and housing improvements and the season that such improvements are installed. This is a *potentially significant* but avoidable impact which can be avoided through mitigation.

#### **AA No Project Alternative**

The No Project Alternative would not change the existing environment and therefore, **no impact** is anticipated.

**MITIGATION MEASURE 10.2: Nesting Migratory Birds**

1. Tree and brush removal shall either occur before or after the nesting season (April to August), or in the event construction and tree removal occurs during the nesting season, a qualified biologist shall examine the tree prior to removal and determine if any occupied nests covered under the Migratory Bird Treaty Act are present. If occupied, tree removal shall be delayed until the biologist determines birds have fledged.

With implementation of Mitigation Measure 10-2, impacts to tree resources can be reduced to a **less-than-significant** level.

**IMPACT 10-3: Cumulative Effects to the Urban Forest**

In many areas, redevelopment or intensification of land is occurring which results in removal of trees. In order to ensure that the City of Sacramento continues to have a vital urban forest, the City Tree Ordinance requires replacement of any trees removed and protects existing trees during construction. Although the proposed project may impact City Street Trees, the project's cumulative impact is estimated to be **less-than-significant** with incorporation of Mitigation Measure 10-1 above.