Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director

January 12, 2026

Barry Miller, FAICP, Consulting Project Manager
City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928
BMiller@rpcity.org

Subject: Rohnert Park 2040 General Plan, Program Environmental Impact Report, SCH No. 2021020523, Sonoma County

Dear Barry Miller:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Program Environmental Impact Report (EIR) from the City of Rohnert Park (City) for the Rohnert Park 2040 General Plan (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted a letter dated March 22, 2021 in response to the EIR Notice to Preparation (NOP) for the project.

CDFW is submitting comments on the EIR to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Rohnert Park

Objective: The project is a comprehensive update of the City's 2020 General Plan. The project designates land uses defining the type of development that can occur throughout the City through the planning horizon year of 2040. Most of the future

[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.

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

development capacity in the City is within specific plan areas, planned developments, and the Central Rohnert Park Priority Development Area, especially for residential development. Development capacity in the rest of the City will be through strategic infill sites. The project would include the rezoning of two sites on Snyder Lane from Public Institutional to High Density Residential to ensure consistency with the Housing Element.

Location: The approximately 7.3-square-mile planning area, which includes the City of Rohnert Park and its Sphere of Influence, with an approximate center at 38.348326°N, 122.701654°W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed or candidates under CESA, either during construction or over the life of the project. **The project has the potential to result in take of California tiger salamander (*Ambystoma californiense*), which is CESA listed as threatened, and Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Burke's goldfields (*Lasthenia burkei*), which are CESA listed as endangered species, and burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*), which are CESA candidate species, as further described below. Thank you for including a requirement for the project to conduct preconstruction surveys and obtain a CESA ITP for take of Crotch's bumblebee if the surveys result in positive detection.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat.

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **Project activities may impact streams or lakes, therefore an LSA Notification may be warranted, as further described below.** CDFW would consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

California Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the project planning process. **The project has the potential to impact white-tailed kite (*Elanus leucurus*), which is a California fully protected species.**

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant,

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

direct and indirect impacts on fish and wildlife (biological) resources. **Attachment 1** includes CDFW's below recommended mitigation measures in a Draft Mitigation Monitoring and Reporting Program.

I. Project Description and Related Impact Shortcoming

COMMENT 1: Program Environmental Impact Report Subsequent Project Review

The EIR is a Program EIR but does not include a checklist for subsequent project review. As described in CDFW's letter response to the NOP, while Program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, **"Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR."** Based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other program EIRs (e.g., California Vegetation Treatment Program Environmental Impact Report and associated checklist in Appendix PD-3 - Project-Specific Analysis at:

https://bof.fire.ca.gov/projects-and-programs/calvtp-homepage-and storymap/#:~:text=The%20CalVTP%20Program%20Environmental%20Impact,with%20the%20CalVTP%20Program%20EIR), **CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted.** This checklist should be included as an attachment to the EIR. Future analysis should include all special-status species and sensitive habitat including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a Qualified Biologist to

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

provide the necessary supporting information. In addition, the checklist should cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.

II. Environmental Setting and Related Impacts Shortcomings

Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?

And,

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 2: Deferred Mitigation

Issue, specific impacts, why they may occur and be potentially significant: If the project may result in physical changes in the environment, such as facilitating development, then the project could: 1) reduce the number or restrict the range of an endangered, rare, or threatened species, or 2) have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special-status species. The EIR documents 70 special-status plant species and 37 special-status animal species either within or in the vicinity of the City of Rohnert Park (D-1 through D-7). The project area has potential to support special-status species including, but not limited to, Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields, CESA listed as endangered; California tiger salamander, a CESA listed as threatened species; and burrowing owl, a CESA candidate species and California Species of Special Concern, in addition to the other species mentioned above, however, the EIR does not include mitigation measures for impacts to CESA-listed species, other than Crotch's bumblebee.

As described in CDFW's letter response to the NOP, California tiger salamander may be directly or indirectly impacted by the project resulting in mortality of individuals from direct impacts or indirect impacts from degradation of habitat adjacent to ground disturbance and other factors. Additionally, the project may result in the permanent and temporary loss of California tiger salamander habitat.

The EIR indicates that wetlands may be present within project sites. As described in CDFW's letter response to the NOP, wetlands in the Santa Rosa Plain may support Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields, and loss of

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

wetland habitat may result in in mortality of individuals and/or indirect impacts from degradation of habitat adjacent to ground disturbance due to altering hydrological conditions or other factors may occur.

The project could result in burrowing owl injury or mortality of adults, and permanent wintering (i.e., non-nesting) habitat loss. Additionally, the project may result in a permanent reduction of burrowing owl foraging habitat in Sonoma County. Burrowing owl is a special-status species and was approved as a candidate species under CESA because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from wintering sites without habitat mitigation; and human disturbance (Shuford and Gardali 2008; Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022, CDFW Petition for Western Burrowing Owl (*Athene cunicularia hypugaea*), 2024). Based on the foregoing, if burrowing owls are wintering on or within 500 meters (1,640 feet) of the project site, or if burrowing owl foraging habitat is removed, project impacts to burrowing owl would be potentially significant.

The EIR states that projects facilitated by the EIR will follow existing local government policies and applicable protective measures in the Santa Rosa Plain Conservation Strategy (SRP CS) (EIR pages 4.3-18). However, the SRP CS is a guidance document that was developed several years ago and conditions for some species have deteriorated since it was developed, therefore the SRP CS conservation measures may not adequately mitigate impacts to special-status species to less-than-significant. Additionally, the SRP CS does not cover all special-status species in the Project area. Therefore, while the SRP CS is a useful reference, the EIR should not rely on the SRP CS's measures to mitigate impacts to less-than-significant and should instead conduct a current evaluation of impacts and appropriate mitigation measures.

The EIR states that impacts to biological resources would be less-than-significant in part because of a requirement for the City to "...complete a site-specific biological resource assessment prepared by a qualified biologist that establishes the existing resources present, potential impacts on the resources, and mitigation measures for these impacts" (see EIR page 4.3-18). However, the proposed biological resource assessments inappropriately defer formulating mitigation measures and may not appropriately identify special-status species that may be impacted and measures reducing such impacts to less-than-significant. Further, the proposed biological resource assessments would not be subject to public review under CEQA, thereby circumventing key purposes of CEQA including informing the public and governmental decision makers about the potential, significant environmental effects of a proposed project and identifying ways that environmental damage can be avoided or significantly reduced (CEQA Guidelines, § 15002). CEQA Guidelines

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

section 15126.4, subdivision (b) states: “Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

No specific mitigation measures relating to take of CESA-listed species other than Crotch’s bumblebee are included in the biological resources section of the EIR. The lead agency (the City) has therefore not committed itself to mitigation, nor does the EIR adopt specific performance standards for mitigation goals, nor does it identify types of actions that could meet these standards.

It is conceivable based on the lack of mitigation measures that California tiger salamander, Sonoma sunshine, Sebastopol meadowfoam, Burke’s goldfields, burrowing owl, and other special-status species would: 1) not be appropriately evaluated in subsequent biological surveys, or 2) that future environmental review pursuant to CEQA would not require appropriate mitigation measures to reduce impacts to less-than-significant.

Therefore, if special-status species occur on or adjacent to project sites, impacts to special-status species would be potentially significant, and impacts to species considered threatened, endangered, or rare may be considered a mandatory finding of significance (CEQA Guidelines, §§ 15065 & 15380).

Recommended Mitigation Measures: To reduce potential impacts to less-than-significant and comply with CESA, CDFW recommends including mitigation measures in the EIR which evaluate such foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on the project’s broad scope, the checklist discussed in Comment 1 above should be used to determine if a future CEQA environmental document is required. CDFW would appreciate the opportunity to review a revised EIR and may have further comments once more specific species information is provided.

For example, CDFW recommends including the mitigation measures below in this EIR:

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

MM-BIO-1. Prior to commencing construction-related activities on grassland or wetland habitat suitable to support California tiger salamander, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the City prior to the commencement of construction-related activities. The project shall obtain authorization from USFWS for impacts to California tiger salamander and comply with the authorization. The project shall also provide habitat compensation for California tiger salamander in accordance with the ITP, SRP CS, and the USFWS' *Reinitiation of Formal Consultation on Issuance of Clean Water Act, Section 404 Permits by the U.S. Army Corps of Engineers on the Santa Rosa Plain, Sonoma County, California* (2020 PBO). Please note that the CESA ITP habitat compensation requirements are often consistent with the SRP CS and 2020 PBO but may differ based on site specific conditions.

MM-BIO-2. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site wetland habitat, such as modification of hydrological conditions or construction related sedimentation into occupied wetland habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.

If direct or indirect impacts to potentially suitable wetlands for special-status plant species including, but not limited to, Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for *Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of special-status plants, such as Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols and guidelines, including, but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat, including portions of the wetland on adjacent parcels or not directly impacted, as impacts to part of a wetland often affects the entire wetland. Evaluation of indirect

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

impacts may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including but not limited to providing habitat compensation. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the federal Endangered Species Act (e.g., wetlands) and provide compensatory habitat mitigation as required.

MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a Qualified Biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The Qualified Biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report habitat assessment and survey methodology. The habitat assessment shall focus on searching the California Natural Diversity Database (CNDDB) and potentially other sources for any burrowing owl records on or within one mile of the project area, vegetation type and height, suitable burrows (with an opening of greater than 11 centimeters in diameter and a depth of greater than 150 centimeters), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to CDFW and the project shall obtain CDFW's written approval of the habitat assessment prior to starting project activities.

If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report, and shall begin on August 1. The site visits shall be spread evenly throughout August and the non-breeding season, unless otherwise approved in writing by CDFW. The survey results shall be emailed to CDFW and the project shall obtain CDFW's written approval of the survey results prior to starting project activities. In addition, a take avoidance survey shall be completed within 14 days prior to

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

the start of construction, as described in the CDFW 2012 Staff Report. Time lapses of more than 14 days between project activities may trigger subsequent surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

If burrowing owl is detected, the project shall immediately notify CDFW. The project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no project activities shall occur, unless otherwise approved in writing by CDFW. A Qualified Biologist or Biological Monitor shall monitor any detected owl to ensure it is not disturbed.

If the surveys result in the detection of the burrowing owl that may be impacted by the project, or the presence of this species and impacts to it are assumed, the project shall obtain and comply with an ITP from CDFW.

Habitat compensation for impacts to occupied wintering burrowing owl habitat (habitat known to have been occupied by wintering burrowing owl within the last three years) shall also be provided at a minimum 3:1 mitigation to impact ratio prior to project construction, unless otherwise approved by CDFW. Habitat mitigation shall include permanent preservation of high-quality burrowing owl wintering habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, to be finalized before project construction, unless otherwise approved in writing by CDFW. The burrowing owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for burrowing owl as confirmed by a Qualified Biologist. The project shall obtain CDFW's written approval of the burrowing owl mitigation plan. Please be advised that an ITP obtained for burrowing owl may have additional requirements to achieve full mitigation.

COMMENT 3: White-tailed Kite and other Nesting Birds

Issue, specific impacts, why they may occur and be potentially significant: The project may impact nesting birds such as white-tailed kite, which is a California fully protected species. Nesting birds are also protected by Fish and Game Code section 3500 et seq. and the federal MBTA. Human activity and removal of habitat has contributed to the loss of a significant proportion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Nesting birds may be disturbed by habitat removal or noise and visual disturbances above ambient levels, which could result in active nest loss or abandonment or reduced health and vigor of young, resulting in a potentially significant impact.

Recommended Mitigation Measure: To reduce potential impacts to white-tailed kite and other nesting birds to less-than-significant and comply with Fish and Game

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

Code section 3500 et seq. and federal MBTA, CDFW recommends including the below mitigation measure in the EIR.

MM-BIO-4. If construction, grading, vegetation removal, or other project-related activities are scheduled during the avian nesting season, February 1 to August 31, a Qualified Biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of project-related activities. The survey shall cover the entire project area and a minimum 500-foot buffer or the distance necessary as determined by a Qualified Biologist. If a lapse in project-related work of seven days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the Qualified Biologist shall immediately notify CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The Qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the Qualified Biologist, unless otherwise approved in writing by CDFW.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS?

COMMENT 4: Riparian Habitat, Wetlands, Sensitive Natural Communities, and Lake and Streambed Notification

Issue, specific impacts, why they may occur and be potentially significant: If the project may result in physical changes in the environment, then the project could result in potentially significant impacts to riparian habitat, wetlands, or other sensitive natural communities such as Northern Vernal Pools (https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive).

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

Recommended Mitigation Measure: If impacts to riparian habitat, wetlands, or other sensitive natural communities may occur, to reduce potential impacts to less-than-significant and comply with Fish and Game Code section 1600 et seq., CDFW recommends including the mitigation measure below.

MM-BIO-5. The project shall submit an LSA notification for any direct on-site or indirect off-site impacts to streams or lakes. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that a LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact. The project shall also consult with the Regional Water Quality Control Board and Army Corps of Engineers to impacts to waters such as streams, lakes, and wetlands, and obtain permits if necessary pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act.

MM-BIO-6. The Project shall implement restoration on-site or off-site to mitigate temporary or permanent impacts to sensitive natural communities at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, and trees, if applicable, shall be replaced at an appropriate ratio based on size and species, and temporal habitat loss, or provide habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long term management plan, unless otherwise approved in writing by CDFW.

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 CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

ENVIRONMENTAL DOCUMENT FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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

CDFW appreciates the opportunity to comment on the EIR to assist the City in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist), at (707) 428-2075 or Nicholas.Wagner@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77F9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento (SCH No. 2021020523)
Vincent Griego, USFWS - Vincent_Griego@fws.gov

REFERENCES

California Department of Fish and Wildlife (CDFW, formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

CDFW. 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA.

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.

Rosenburg, Kenneth V.; Dokter, Adriaan M.; Blancher, Peter J.; Sauer, John R.; Smith, Adam C.; Smith, Paul A.; Stanton, Jessica C.; Panjabi, Avrind; Helft, Laura; Parr, Michael; and Marra, Peter P. 2019. Decline of the North American Avifauna. Science: 120-124.

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.

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Party**
MM-BIO-1. Prior to commencing construction-related activities on grassland or wetland habitat suitable to support California tiger salamander, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the City prior to the commencement of construction-related activities. The project shall obtain authorization from USFWS for impacts to California tiger salamander and comply with the authorization. The project shall also provide habitat compensation for California tiger salamander in accordance with the ITP, SRP CS, and the USFWS' *Reinitiation of Formal Consultation on Issuance of Clean Water Act, Section 404 Permits by the U.S. Army Corps of Engineers on the Santa Rosa Plain, Sonoma County, California* (2020 PBO). Please note that the CESA ITP habitat compensation requirements are often consistent with the SRP CS and 2020 PBO but may differ based on site specific conditions.	Prior to and during ground disturbance	Project Applicant
MM-BIO-2. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site wetland habitat, such as modification of hydrological conditions or construction related sedimentation into occupied wetland habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation. If direct or indirect impacts to potentially suitable wetlands for special-status plant species including, but not limited to, Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for *Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of special-status plants, such as Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed	Prior to and during ground disturbance	Project Applicant

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

in conformance with the above survey protocols and guidelines, including, but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat, including portions of the wetland on adjacent parcels or not directly impacted, as impacts to part of a wetland often affects the entire wetland. Evaluation of indirect impacts may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including, but not limited to providing habitat compensation. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the Endangered Species Act (e.g., wetlands) and provide compensatory habitat mitigation as required.		
MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a Qualified Biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The Qualified Biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report habitat assessment and survey methodology. The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within one mile of the project area, vegetation type and height, suitable burrows (with an opening of >11 cm in diameter and a depth of >150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to CDFW and the project shall obtain CDFW's written approval of the habitat assessment prior to starting project activities. If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the	Prior to and during ground disturbance	Project Applicant

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

CDFW 2012 Staff Report, and shall begin on August 1. The site visits shall be spread evenly throughout August and the non-breeding season, unless otherwise approved in writing by CDFW. The survey results shall be emailed to CDFW and the project shall obtain CDFW's written approval of the survey results prior to starting project activities. In addition, a take avoidance survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Time lapses of more than 14 days between project activities may trigger subsequent surveys including, but not limited to a final survey conducted within 24 hours prior to ground disturbance. If burrowing owl is detected, the project shall immediately notify CDFW. The project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no project activities shall occur, unless otherwise approved in writing by CDFW. A Qualified Biologist or Biological Monitor shall monitor any detected owl to ensure it is not disturbed. If the surveys result in the detection of the burrowing owl that may be impacted by the project, or the presence of this species and impacts to it are assumed, the project shall obtain and comply with an ITP from CDFW. Habitat compensation for impacts to occupied wintering burrowing owl habitat (habitat known to have been occupied by wintering burrowing owl within the last 3 years) shall also be provided at a minimum 3:1 mitigation to impact ratio prior to project construction, unless otherwise approved by CDFW. Habitat mitigation shall include permanent preservation of high-quality burrowing owl wintering habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, to be finalized before project construction, unless otherwise approved in writing by CDFW. The burrowing owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for burrowing owl as confirmed by a Qualified Biologist. The project shall obtain CDFW's written approval of the burrowing owl mitigation plan. Please be advised that an ITP obtained for burrowing owl may have additional requirements to achieve full mitigation.		
MM-BIO-4. If construction, grading, vegetation removal, or other project-related activities are scheduled during the avian nesting season, February 1 to August 31, a Qualified Biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of project-related activities. The survey shall cover the entire project area and a minimum 500-foot buffer or the distance necessary as determined by a Qualified Biologist. If a lapse in project-related work of 7 days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the Qualified Biologist shall immediately notify CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA.	Prior to and during ground disturbance	Project Applicant

Docusign Envelope ID: 0F20C610-18F1-4D59-B10A-40DF7C6BA3C0

Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. The Qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the Qualified Biologist, unless otherwise approved in writing by CDFW.		
MM-BIO-5. The project shall submit an LSA notification for any direct on-site or indirect off-site impacts to streams or lakes. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that a LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact. The project shall also consult with the Regional Water Quality Control Board and Army Corps of Engineers to impacts to waters such as streams, lakes, and wetlands, and obtain permits if necessary pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act.	Prior to and during ground disturbance	Project Applicant
MM-BIO-6. The Project shall implement restoration on-site or off-site to mitigate temporary or permanent impacts to sensitive natural communities at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, and trees, if applicable, shall be replaced at an appropriate ratio based on size and species, and temporal habitat loss, or provide habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.	Prior to and during ground disturbance	Project Applicant